

COUNTY OF SAN LUIS OBISPO

LOCAL COASTAL PROGRAM POLICY DOCUMENT
A PORTION OF THE SAN LUIS OBISPO COUNTY LAND USE ELEMENT
OF THE GENERAL PLAN

COASTAL PLAN POLICIES

SUMMARY ONLY

UPDATED JULY 2004

COUNTY OF SAN LUIS OBISPO

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CHAPTER 1: INTRODUCTION

The coastal zone in San Luis Obispo County spans 96 miles of coastline. Along most of California the coastal zone boundary generally extends inland only 1,000 yards, while in San Luis Obispo County the coastal zone extends further inland in several areas because of important habitat, recreational, and agricultural resources. Those areas include the lands surrounding Nipomo Dunes, Hearst Ranch and other north coast areas, and the Morro Bay watershed.

The coastal zone of San Luis Obispo County is known throughout the state for its beauty and diversity. The north coast is characterized by the rugged headlands to Big Sur. The rocky shoreline along the Hearst Ranch is highly valued for the offshore views of the sea otter as well as scenic cliffs and rocky points. The beach, sandspit and extensive wetlands of Morro Bay form a unique setting as well as a laboratory for wetland habitat study. The sheltered coves and beaches of Avila and Pismo Beach State parks provide a contrast to the marine terrace and offshore rocks of the north county coastline.

While San Luis Obispo County has retained extensive areas of unspoiled coastline, former adopted plans and policies have been only partly responsible; and would likely not have been adequate to provide the needed balance between development and preservation in the anticipated years of continuing growth. With the adoption of the Land Use Element/Land Use Ordinance (a comprehensive update of the Land Use Element of the general plan and zoning ordinance), stronger policies and more appropriate land use designations were adopted to ensure protection of San Luis Obispo County's resources. Because that program could not address all the concerns of the Coastal Act, however, revisions to the Land Use Element/Land Use Ordinance were required to address issues such as detailed protection for habitat resources, active preservation of prime agriculture lands, and provision of maximum opportunities for recreational use of county beaches while allowing orderly growth and development.

Relationship to the Coastal Act

The California Coastal Act of 1976 mandates that local governments prepare a land use plan and schedule of implementing actions to carry out the policies of the Coastal Act. This document represents the county's commitment to implement the Coastal Act through both general plan policies and identification of detailed land use recommendations. Based on these policies, the county's proposed Land Use Element/Land Use Ordinance system have been amended to include the standards, programs and specific actions required to implement the Local Coastal Program.

Under the Coastal Act mandate, local governments are confronted with the need for implementing policies that are more specific and that address non-traditional issues not commonly associated with the normal role of a local government general plan. These Coastal Act policies address specific issues of shoreline access for the public, visitor-serving facilities, coastal-dependent industrial and energy-related facilities and activities, protection of sensitive habitats, protection and preservation of visual and scenic resources.

In addition, the Coastal Act establishes a framework for prioritizing land uses. The Coastal Act places as its highest priority the preservation and protection of natural resources, including environmentally sensitive habitat areas (wetlands and dunes), and prime agricultural lands. Only uses that are dependent on such resources are allowed within habitat areas. For agricultural land, the Coastal Act specifically addresses protection of the maximum amount of prime agricultural land in production. On non-agricultural land, coastal-dependent development has the highest priority, with public recreation uses the next priority. Where land is not required for habitat preservation, agriculture, coastal-dependent uses, or public recreation, other development is permitted. However,

the Coastal Act requires that visitor-serving commercial recreation development have priority over private residential, general industrial and general commercial development. Such prioritization of uses are addressed in the land use recommendations for the Local Coastal Program/Land Use Element.

In enacting the Coastal Act, the Legislature established the following basic goals of the state for the coastal zone:

- a. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and the constitutionally protected rights of private property owners.
- d. Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- e. Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses (including educational uses) in the coastal zone.

In addition to these goals, the Legislature requires that government agencies shall not "exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation...."

Relationship of the Land Use Element/Land Use Ordinance

San Luis Obispo County has special tools available to implement the Local Coastal Program. The county has adopted a Land Use Element (LUE) and Land Use Ordinance (LUO) system that has replaced typical general plan designations and zoning districts. The Land Use Element serves as both a graphic statement of county land use policies and intentions about future growth, and as a precise guide for day-to-day land use decisions. The Land Use Ordinance contains standards for development based more on the effects of specific land uses, than on separate zoning districts. The Land Use Element also coordinates policies and programs in other county general plan elements that have land use implications, and serves as a reference point and guide for future planning studies throughout the county.

The Land Use Element is intended to be different from the way general plan elements have traditionally been organized, implemented and used. Where general plans were formerly "goal-oriented" documents, the Land Use Element replaces such "plans" with "processes." These processes include a framework to accommodate detailed annual review and testing of land use policies and updating of decision-supporting information.

After an extensive schedule of public hearings before the Planning Commission and Board of Supervisors, the county's Land Use Element and Land Use Ordinance were adopted in the fall of 1980. The hearings provided an extraordinary level of public review. The recommendations of the Local Coastal Plan provide a more detailed level of policies, programs and standards to address the issues of the Coastal Act, and underwent a similar schedule of public hearings from 1981 to 1983. The Local Coastal Plan was finally certified by the Coastal Commission on April 12, 1984.

The Local Coastal Plan is incorporated into existing county policies and regulations through amendment to the Land Use Element and certification of a Land Use Ordinance for the Coastal Zone (CZLUO). The coastal zone boundary encompasses portions of four of the Land Use Element Planning Areas: North Coast, Estero, San Luis Bay and South County. The majority of the North Coast and Estero Planning Areas are within the coastal zone while generally only the portions lying west of Highway 1 are included in the San Luis Bay and South County Planning Areas. Within the four planning areas, the text of the Land Use Element area plans have been amended to include the more specific data necessary to address Coastal Act provisions, including additional standards, programs and/or policies. In this manner, the Local Coastal Plan will become additional standards interfaced with the Land Use Element. This process eliminates the need for a separate document as well as clearly indicating how Local Coastal Plan policies relate to the Land Use Element.

In addition to amended portions of the Land Use Element and the Coastal Zone Land Use Ordinance, this document states the policy commitment of San Luis Obispo County to implement the mandates of the Coastal Act. This policy document of the Local Coastal Plan is part of the Land Use Element of the county general plan and is similar to other policy documents such as the Open Space Plan and Transportation Plan. The Land Use Element is the coordinating mechanism for incorporating the policies of this document which have land use implications. In the area of housing concerns, the Housing Element serves as the primary policy tool. Any development standard or land use changes that are not incorporated in the LUE would require amendment to the LUE. The amendment process is set for three times annually.

Adoption of the Land Use Plan Portion of the Local Coastal Program

After the Local Coastal Plan Policy Document and changes to the Land Use Element were reviewed and approved locally, they were submitted to the State Coastal Commission. The Commission found that the land use plan was consistent with the policies of Chapter 3 of the Coastal Act. (Chapter 3 of the Act contains the Coastal Resources Planning and Management Policies, which constitute both standards that local plans must meet to be certified by the state and yardsticks for evaluating proposed developments within the coastal zone.) Upon certification of the land use plans and accompanying ordinances, the permit authority for new development within the coastal zone is returned to local government. After transfer of permit authority to the county certain actions taken by local government in implementing the Local Coastal Plan will remain appealable to the State Commission pursuant to Section 30603 of the Coastal Act. Likewise, the Coastal Commission retains authority over certain areas such as tidelands and other areas below the mean high tide line.

The State Coastal Commission is also required to periodically review the progress of local governments in carrying out the Coastal Act. This review is to occur at least once every five years.

The issue of principally permitted uses are addressed in the Local Coastal Plan: The Land Use Element/Land Use Ordinance establishes land use categories that are applied to each property. Fourteen categories were developed. Within each land use category, a number of uses are allowable, identified in a series of charts, which may be found in Coastal Table "O" of Framework for Planning. The charts establish whether a use is allowed (unless otherwise limited by a specific planning area standard); a special use, (allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard), or not permitted within the land use category. Each land use category establishes a wide-range of uses. To implement the Coastal Act, the LCP establishes uses that are principal permitted (PP). The allowable uses chart in Coastal Table "O" identifies those uses which are considered principally permitted (PP) uses for purposes of this appeal process.

The Local Coastal Program Development and Adoption Process

The Local Coastal Program evolved in several phases. The first phase concentrated on developing a work program for identifying issues that would need to be addressed in the Local Coastal Plan. From this identification of issues, funding for the tasks which were to be undertaken was established. Formulating the work program involved both the public and affected agencies.

The second phase involved actual preparation of background reports that inventoried the information upon which the recommendations of the Local Coastal Plan would be based. The background documents were discussed in meetings with local groups and individuals, in addition to detailed input from other government agencies. Based on the information collected, the policy recommendations of the LCP and revisions to the Land Use Element were formulated. Much staff time was devoted to preparation of the countywide Land Use Element. The LUE provided a comprehensive base for the coastal plan. Staff effort during these months was concentrated on San Luis Obispo County's critical planning issues: agriculture, environmentally sensitive habitats, energy development, shoreline access, and recreation. Public hearings on the land use plan held at the local level with the Planning Commission and the Board of Supervisors from 1981 to 1983. When the Local Coastal Plan was thoroughly reviewed and adopted by the Board, it was transmitted to State Coastal Commission. The third phase involved preparation of implementing ordinances which were certified in October of 1986. Following approval (certification) of the land use plan by the state, implementing ordinances were prepared to carry out the land use plan.

It is acknowledged that the land use plan will need revision from time to time in accordance with changing conditions. The Coastal Act requires that Local Coastal Programs be reviewed at least once every five years to determine whether the program is being effectively implemented in conformity with the policies of the Act. Local recommendations for revisions of the certified land use plan could be considered as part of the five-year review process or they could be initiated by the county at any time, subject to the approval of the state commission.

Relationship of the Land Use Element, Local Coastal Plan Policy Document, and Coastal Zone Ordinance:

The LCP Policy Document is part of the Local Coastal Program and Land Use Element. Many of the policies include programs and standards. Some of the policies have been implemented in the Coastal Zone Land Use Ordinance (CZLUO) and planning areas standards. The following procedures shall be utilized in implementing the policies:

1. Only the numbered policies shall be used. Other text is for background purposes only.
2. Many policies have been implemented in applicable ordinances. Each individual numbered policy will state where it has been implemented. When a policy has been implemented in ordinance, the ordinance shall prevail in case of conflict with the policy.
3. When a policy is partially implemented into ordinance, only the applicable portion of the policy shall prevail in case of conflict.
4. When a policy is not implemented into ordinance it shall be administered as an equivalent to a planning area standard or program where applicable.
5. When a planning area standard conflicts with a policy, the planning area standard shall prevail.
6. When a planning area standard conflicts with an ordinance section, the planning area standard shall prevail.
7. When a policy is a program, it shall be implemented as an equivalent to a planning area program.

CHAPTER 2: SHORELINE ACCESS

POLICIES FOR SHORELINE ACCESS

To implement the provisions of the Coastal Act, the following policies represent the commitment of San Luis Obispo County to preserving, protecting and providing access to the coast.

Policy 1: Protection of Existing Access

Public prescriptive rights may exist in certain areas of the county. Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. These rights shall be protected through public acquisition measures or through permit conditions which incorporate access measures into new development. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.420 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

This policy provides protection for the possible existence of public prescriptive rights as required by Coastal Act Policies 30211 and 30000.5. The establishment of prescriptive rights can be resolved between the property owners and interested individuals or groups. However, where this cannot be resolved, the government or an individual or group may bring suit on behalf of the public to confirm that the prescriptive rights of use exist. The Local Coastal Plan identifies areas where prescriptive rights may exist, and sets standards and programs (such as public acquisition) for new development regarding these potential public access rights. Development which incorporates these standards would not interfere with the possible existence of prescriptive rights and thus would be permitted. However, the Local Coastal Plan may not have identified all areas where prescriptive rights exist and for such areas the appropriate amount of public use should be established through the review process at the time of development.

Procedures for ensuring public input on existing prescriptive rights that may exist on projects between the first public road and the shoreline are included in the Coastal Zone Land Use Ordinance.

Policy 2: New Development

Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions may occur where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or; (3) agriculture would be adversely affected. Such access can be lateral and/or vertical. Lateral access is defined as those accessways that provide for public access and use along the shoreline. Vertical access is defined as those accessways which extend to the shore, or perpendicular to the shore in order to provide access from the first public road to the shoreline. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420 a. AND c. OF THE CZLUO.]

Lateral accessways must be a minimum of 25 feet wide of dry sandy beach wherever possible. Where topography limits the sandy beach to less than 25 feet, the lateral access will extend from mean high tide to the toe of the bluff. More than 25 feet may be required to ensure that the public may use the sandy beach at all times.

Wherever possible, the accessway should be measured and established from a fixed line landward of and parallel to the mean high tide line, such as a parcel boundary. To assure that the public will have the ability to use some dry sandy beach at all times of the year, site review should consider: 1) variations of the high water line during the year, 2) topography of the site, 3) the location of other lateral accessways on neighboring or adjacent property, and 4) the privacy needs of the property owner.

Vertical accessways will be required at the time of new development when adequate vertical access is not available within a reasonable distance of (one-quarter mile within urban areas and one mile in rural areas) and where prescriptive rights may exist. The vertical accessways should usually be sited along the borders of the project site and should extend from the road to the shoreline (or bluff edge if access is required to reach a bluff top viewing area).

The size and location of vertical accessways should be based upon the level and intensity of proposed or existing access. Site review shall consider: safety hazards; adequate parking provisions; privacy needs of adjacent residential property owners; provisions for requiring adequate public notification of accessway; and levels of improvements or facilities necessary to provide for existing level of access.

A vertical accessway in existing subdivided areas should be a minimum of five feet and should be sited no closer than five feet to an existing or proposed residential structure. In unsubdivided areas, vertical accessways should normally be a minimum of 10 feet. Vertical bluff top access between residential structures shall be limited to pass and repass use of the accessway. This provides for public access along the shoreline but would not allow for any additional use of the vertical accessway. Access activities on these accessways are limited to walking to pass through. Pass and repass right of access is usually applied to areas where topographic constraints make use of the beach dangerous, where habitat values of the shoreline would be adversely impacted by public use of the shoreline or where the accessway may encroach closer than 20 feet to a residential structure.

In some areas of the county, access may need to be limited and controlled such that adequate protection is given to agricultural uses and sensitive habitat areas. The level and intensity of access should be consistent with the following considerations:

Within agricultural holdings, new vertical access shall be required only where the access can be sited along a property boundary (to minimize impacts on the agricultural operation) unless a more appropriate location exists.

Maximum access within new development may be inconsistent with the protection of sensitive habitats. To optimize public access while protecting resources and land uses, limited forms of access and mitigation methods should be considered. Such mitigation methods may include establishment of a monitoring and maintenance program to assess the impacts of public use and to propose protection limitations. For example, access near a sensitive habitat may be restricted to a particular time of year to avoid conflicts with nesting seasons or other seasonal conditions. In other areas, such as Dune Lakes, this may require limitation on access to scientific or educational study, at the discretion and with the permission of the property owner.

In some areas it may be appropriate to require no new vertical access. This may be where adequate access exists nearby, or where adequate mitigation cannot be given to protect agricultural operations or sensitive habitat areas.

Policy 3: Access Acquisition

In implementing the above policies, purchase in fee (simple) is to be used only after all other less costly alternatives have been studied and rejected as inappropriate or infeasible. In addition to fee simple purchase and offers of dedication or deed restriction for public access as a condition of development approval, other alternatives may include the purchase of easements, or the establishment of in-lieu fees where access is not appropriate. Offers-to-dedicate and deed restrictions to allow for public access are the most frequently used means of guaranteeing public access. Deed restrictions are most appropriate for large projects which are in single ownership and where continuity can be maintained over time. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

The Land Use Element for the coastal zone areas has been amended to specify actions needed to ensure public access for portions of the coast and implement access policies. These are established as programs and standards through the Local Coastal Plan (LCP) combining designation. Programs are the actions which should be undertaken by a public agency to provide and maintain public access. Standards are the actions by which private development must incorporate access conditions and will indicate the need for lateral and/or vertical accessways and necessary improvement.

Policy 4: Provision of Support Facilities and Improvements

Facilities necessary for public access shall be provided. This may include parking areas, restroom facilities, picnic tables or other such improvements. The level of these facilities and improvements should be consistent with the existing and proposed intensity and level of access use and provisions for on-going maintenance. Requirements for coastal access and improvements are identified in the specific Planning Area Standards and the Land Use Ordinance for the coastal zone. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420 h. OF THE CZLUO.]

Policy 5: Acceptance of Offers to Dedicate

Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept the responsibility for maintenance and liability of the accessway. New offers to dedicate public access shall include an interim deed restriction that restricts the property owner from interfering with the present use by the public of the areas subject to the easement prior to acceptance of the offer. Existing offers for dedication having such an interim deed restriction, shall remain open and unobstructed during the period when the offer is outstanding. Once a public agency or private association agrees to accept the responsibility for maintenance and liability of the access, the property owner's responsibility under the interim deed restriction may be relinquished. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420g. OF THE CZLUO.]

Examples of public and private agencies which may be appropriate to accept offers of dedication include the California State Department of Parks and Recreation, State Department of Fish and Game, State Lands Commission, the Coastal Conservancy, the county or local community service districts. In addition, private agencies may include local, state and national conservation organizations.

In general, the responsibility for accepting and maintaining public access should be based upon the expected users of the accessway. For example, where the principal users will be local residents and limited facilities are needed for visitors to the coast, the county, local districts or homeowners associations should assume this responsibility. Detailed recommendations are provided in the LCP combining designation in the four coastal planning areas. Where easements (road right-of-ways, etc.) extend to the shoreline, and have been previously offered to and/or accepted by the county, these easements should be accepted, improved and maintained for shoreline access by the county or other appropriate public agency. Where vertical accessways are required over a private road, a recorded easement over the private road should extend to the specific access point at the shoreline.

Where access is largely for visitors to the community, the responsibility should rest with the most appropriate state agency and the costs borne statewide.

Policy 6: Public Safety

The level and intensity of shoreline access is to be consistent with public safety concerns related to bluff stability, trail improvements as well as the provision of adequate facilities such as signs, fences and stairways. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420h. OF THE CZLUO.]

Policy 7: Development of Uniform Access Signs

A uniform signing system PROGRAM should be developed. Such signs would assist the public in locating and recognizing access points. Where agriculture and sensitive habitats are located, signs may be posted indicating the permitted level of access, the restrictions on access and a description of the sensitive habitat resource. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420i. OF THE CZLUO.]

Once accessways are accepted by a public agency, they shall be signed and posted to indicate any restrictions or presence of sensitive habitats or hazards.

Policy 8: Minimizing Conflicts with Adjacent Uses

Maximum access shall be provided in a manner which minimizes conflicts with adjacent uses. Where a proposed project would increase the burdens on access to the shoreline at the present time or in the future, additional access areas may be required to balance the impact of heavier use resulting from the construction of the proposed project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420k. OF THE CZLUO.]

Policy 9: Restoration and Enhancement of Shoreline Access Areas

Areas that have been severely degraded through overly intense and unrestricted use should be restored by such techniques as revegetation with native plants, trail consolidation and improvement and through the provision of support facilities such as parking, defined trail and/or beach walk stairway systems, trash receptacles, restrooms, picnic areas, etc. In extremely degraded areas (especially sensitive habitat areas), a recovery period during which public access would be controlled and limited may be necessary. This should be determined through consultation with the property owner and appropriate public agencies to establish the means of controlling public access that is reasonable and cost effective. Any limitation of use shall be evaluated periodically to determine the need for continued limited use. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420j. OF THE CZLUO.]

Policy 10: Protection of Property Rights and Privacy

The acquisition of rights for access and view purposes and other uses by the public should be consistent with the protection of the property and use rights of property owners. Access routes should be selected and designed so as to minimize the public impact on private property.

This is not meant to be exclusionary against public access rights but to cause a balance to be struck in protecting the individual citizen's property and privacy. Nothing in the Local Coastal Program is to be construed as encouraging, permitting, or endorsing trespass or invasion of private property rights or privacy. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.420k. OF THE CZLUO.]

Policy 11: Taking of Private Property

In meeting the foregoing policies for ensuring public access to the shoreline, careful consideration must be given to the requirements of Section 30010 which declares that no local governments may "... exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation...." [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Comprehensive Public Access Planning

As part of the periodic update of an area plan, the draft plan shall include development of a Comprehensive Public Access Component consistent with Section 30500 of the California Coastal Act:

1. **Contents.** The update of the area plan shall include the following information:
 - a. Goals and Objectives. Statements of the public access goals, objectives, policies, ordinances, standards, programs, fiscal implications and other management objectives relevant to each planning area; and
 - b. Access Inventory. A comprehensive inventory of existing and potential public shoreline access, including a map or maps indicating the specific locations of such access resources.
2. **California Coastal Trail.** The Access Component shall include a Public Trails Plan to facilitate future implementation of the California Coastal Trail. Development of the Trails Plan should consider guidance outlined in the 2002 Periodic Review for development of:
 - a. Planning objectives;
 - b. Siting and Design policies and standards, subject to thorough and specific environmental review; and
 - c. Acquisition and management policies and standards.
3. **Protection of Access Opportunities during Road Realignments.** The Access Component shall consider realignment alternatives for Highway One and other roads critical to coastal access, and ensure that any impacts to access from highway/road realignment are mitigated such that no public access is lost and new access opportunities are maximized. Further, consider alternatives for the realignment of Highway One to avoid further placement of shoreline protection while protecting the public access and scenic and visual resources of the highway.

[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM]

[Added 2004, Ord. 3006]

CHAPTER 3: RECREATION & VISITOR-SERVING FACILITIES

POLICIES FOR RECREATION AND VISITOR-SERVING FACILITIES

To implement the provisions of the Coastal Act, the following policies represent the county's commitment to preserve, protect and provide coastal recreation opportunities.

Policy 1: Recreation Opportunities

Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means. Removal or conversion of existing lower cost facilities and opportunities in areas designated with the "V" Visitor Serving Overlay in the LUE shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities. Visitor-serving facilities include all lodging establishments included in the definition of Hotels, Motels in Chapter 7 of Framework for Planning of the Land Use Element and Local Coastal Plan; provided that hotels and motels which are condominium or planned development projects may be approved only where specifically identified as an allowable use by planning area standards of the Land Use Element and Local Coastal Plan. The new construction of non-visitor-serving or non-principally permitted uses shall only be permitted if it can be found that they would not prejudice the provision of adequate visitor-serving facilities to meet the foreseeable demand over the next 20 years. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.] [Amended 1992, Ord. 2544]

Policy 2: Priority for Visitor-Serving Facilities

Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Low Cost Facilities

Larger visitor-serving projects shall make provisions for services which are geared to a range of costs, including low cost facilities. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 4: Visitor-Serving Uses in Agricultural Areas

Where visitor-serving facilities are proposed within areas designated as agriculture on the LUE, the findings specified in agriculture Policy 3 as implemented in the CZLUO in the Agriculture chapter shall be met. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Coordination with Local Government - Priority for Development of State Park Holdings

The State Department of Parks and Recreation should give high priority to development of existing holdings unless undertaken for environmental protection only. Future acquisitions for park expansion should occur in conjunction with an approved development plan. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 6: County Review of State Park Plans

The State Department of Parks and Recreation shall submit a Master Plan for county approval before implementation of State Park General Development Plans. Subsequent site development plans will be reviewed and approved based on their consistency with the Master Plan and other applicable LCP regulations and sensitivity of planning for carrying capacity of the area and habitat protection. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 7: Low Cost Facilities within State Parks

The State Department of Parks and Recreation should provide lower cost recreation facilities such as overnight camping and youth hostels where possible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 8: Comprehensive Public Recreation Planning

As part of the periodic update of the area plans, long-term supply and demand and opportunities for low-cost visitor-serving recreation shall be analyzed. The area plan shall be evaluated for potential amendments to provide for such uses consistent with other policies in the Local Coastal Plan and the Coastal Act that balance development with the protection of coastal and other important community resources. In addition, the LCP should be further evaluated to ensure that an adequate level of limited public services is being reserved for priority visitor- serving uses, including that which may be needed in the future. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004; Ord. 3006]

CHAPTER 4:ENERGY AND INDUSTRIAL DEVELOPMENT

POLICIES FOR ENERGY AND INDUSTRIAL DEVELOPMENT

The Coastal Act specifically provides that coastal-dependent industrial activity shall be encouraged to locate or expand within existing sites. (Section 30260). Based on this Coastal Act provision, the following general policy shall apply to all industrial, energy-related, and coastal-dependent development in the coastal zone.

A. GENERAL POLICIES

Policy 1: New Facilities and Expansion of Existing Sites

When new sites are needed for industrial or energy-related development, expansion of facilities on existing sites or on land adjacent to existing sites shall take priority over opening up additional areas or the construction of new facilities unless it can be shown that 1) alternative locations are infeasible and that the environmental impacts of opening up a new site are less than the impacts of expansion on or adjacent to existing sites; 2) to do otherwise would adversely affect the public welfare; and 3) adverse environmental impacts are mitigated to the maximum extent feasible. Priority shall be given to coastal-dependent industrial uses. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. Cogeneration methods utilizing existing facilities should have priority. Review shall determine that the location will ensure public safety.

As part of the update of coastal Area Plans, information on current energy demand should be considered in order to anticipate the need for additional energy facilities and ensure that existing policies and standards provide adequate guidance for mitigating the impacts of any potential energy facilities consistent with LCP and Coastal Act policies. Adverse environmental impacts from the siting or expansion of coastal-dependent industrial or energy developments shall be mitigated to the maximum extent feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

[Amended 2004, Ord. 3006]

The following policy is a result of a voter initiative that was approved by the voters in a general election on November 4, 1986. The initiative was called "Measure A" and it established an additional procedure for approval of onshore support facilities supporting offshore oil and gas development.

Policy 1A

Section 1. No permit, entitlement, lease, or other authorization of any kind within the County of San Luis Obispo which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity shall be final unless such authorization is approved by a majority of the votes cast by a vote of the people of the County of San Luis Obispo in general or special election. For the purpose of this ordinance, the term "onshore support facility" means any land use, installation, or activity required to support the exploration, development, production, storage, processing, transportation, or related activities of offshore energy resources.

Section 2. Authorizations obtained from the County after January 1, 1986, shall be subject to the provisions of this ordinance.

Section 3. If any section, sentence, clause, phrase, or part of this ordinance shall be held invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall be given full effect consistent with the intent and purpose of the ordinance. (Enacted by voter initiative Measure A, 11/04/86.)

Policy 1B

Abandonment of Energy and Oil Facilities. As part of the Area Plan update process, the County should update and revise standards and requirements governing abandonment and clean up of major sites in the EX Combining Designation. Updating of standards should consider including revised requirements that operators submit an Abandonment and Restoration Plan within 60 days of permanently ceasing operations and require bonding or other financial securities to ensure that abandonment and clean up procedures are carried out in an appropriate and timely manner.

[Added 2004, Ord. 3006]

B. PETROLEUM EXTRACTION OPERATIONS AND PROCESSING FACILITIES

Existing petroleum extraction and processing facilities within the county coastal zone are presently limited to the Guadalupe Dunes. The following policies shall apply to all future or expanded petroleum extraction operations and processing facilities in the coastal zone:

Policy 2: Exploration and Production Wells

All exploratory and production oil and gas development in designated Land Use Element Sensitive Resource Areas shall be subject to Development Plan review. All other exploratory wells shall require Minor Use Permit review except where more strict standards exist in the Coastal Zone Land Use Ordinance. Development Plan approval is required for establishing new oil fields or other resource extraction production areas that involve multiple wells and related facilities. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.173 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 3: Abandonment of Facilities

Upon completion or abandonment, all above-ground oil production and processing facilities shall be removed from the site, and the area in which they were located shall be restored by appropriate contouring, reseeding, and planting to conform with surrounding topography and vegetation. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.174 OF THE COASTAL ZONE LAND USE ORDINANCE.]

C. MARINE TERMINALS

Marine terminals are required whenever water-borne shipments of crude oil or products are transported. Such terminals generally include a berthing system for vessels, loading and unloading equipment, storage tanks and terminal control and safety equipment. Six marine terminals are located in San Luis Obispo County five in Estero Bay and one in Port San Luis. The county has permit jurisdiction over portions of marine terminals on land (i.e., pipelines, storage tanks and other associated facilities). The portions of a marine terminal seaward of the mean high tide line are regulated by the Coast Guard and State Lands Commission and require a permit from the Coastal

Commission. Under the county's Land Use Element/CZLUO/Land Use Ordinance, marine terminals and piers are special uses in several categories as shown on Coastal Table 'O' Allowable Use Chart for the coastal zone.

The San Luis Obispo Area Coordinating Council position statement on the proposed Notice of Sale for federal offshore Lease Sale #53 (11/24/80) documented the following concerns for any facility or operation that would increase the present risk of oil spills along the coast north of Shell Beach:

1. The coastline from Shell Beach to Morro Bay includes some of the most biologically productive, environmentally sensitive, pristine and irreparable (in the event of oil pollution) habitats and coastal resources along the San Luis Obispo County coastline. These include the important kelp-bed and rocky-intertidal habitats, the Morro Bay estuary, important off-shore rocks, a proposed state underwater park and the southern range of the threatened California Sea Otter.
2. Present state-of-the-art of oil spill containment and recovery equipment is ineffective in the typical sea conditions found along the San Luis Obispo County coast. (This is supported by the findings of the Oil Spill Containment study of the California Coastal Commission).
3. Due to the lack of effective oil-spill containment equipment, the prevailing wind pattern, and the predominance importance of wind as a major driving force of spilled oil on the sea, any oil spills originating in this area will in most situations hit this portion of the coast.

As a result of these findings, any proposed facility or operation that would increase the present risk of an oil spill (i.e., expansion of operations) or reduce the present risk (i.e., transportation of oil by an onshore pipeline) requires careful scrutiny.

Policy 4: Abandonment of Piers

At such time as piers are no longer needed for petroleum operations, the county or the State Department of Parks and Recreation or other agency shall be offered the right of first refusal, if the pier is determined to be appropriate for recreation use. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Expansion of Marine Terminals

Where increased petroleum exports require expansion of facilities, priority shall be given to expansion of existing or construction of additional onshore pipelines rather than expansion or construction of new marine terminals.

Should expansion or construction of onshore pipelines prove infeasible, new or expanded marine terminals shall be designed and operated to: a) provide maximum feasible and legally permissible multi-company use; b) minimize the total volume of oil spilled; c) minimize the risk of collision from movement of other vessels; d) have ready access to the most effective feasible containment and recovery equipment for spills; and e) have onshore deballasting facilities to receive fouled ballast water from tankers where operationally or legally required.

Any such construction or expansion shall require Development Plan review and be subject to the following:

- a. Phasing plan for the staging of development indicating the anticipated timetable, and site plans for project initiation, expansion possibilities, completion, consolidation possibilities and decommissioning.
- b. Oil spill contingency plan (using the most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containment equipment and personnel.

- c. A fire protection system approved by the governing fire authority.
- d. All facilities not requiring an ocean site to be able to function, shall be setback from the ocean including: wastewater and ballast water processing facilities, major petroleum storage facilities, offices and warehouses (excluding facilities housing oil spill containment and recovery equipment).
- e. Adequate screening of facilities from public view by careful site design, the provision of contoured banks and mounds, extensive landscaping (including irrigation systems) the use of decorative walls and fences and the removal of unused or unsightly equipment from public view.
- f. Any part of the facilities that cannot effectively be screened by the above methods shall be painted with non-reflective paint of colors that blend with the surrounding natural landscape.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 6: New Marine Terminals

No new marine terminal facilities shall be constructed along the coast of San Luis Obispo County north of Shell Beach. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

D. PIPELINES

The technical performance of oil and gas pipelines is governed by federal regulations administered through the Federal Department of Transportation. In California, however, the Public Utilities Commission has responsibility for administering federal regulations covering public utility pipelines.

Policy 7: Pipeline Routes in Sensitive Habitats

Except for pipelines exempted from coastal development permits under Section 30610 (d) and (f) of the Coastal Act and Section 23.03.040 of the CZLUO, a field survey funded by the applicant shall be conducted along the proposed pipeline route in all sensitive resource areas. The survey shall identify the type and extent of impacts from the construction and operation of the proposed pipeline on important coastal resources, including sensitive habitat and sensitive or endangered flora species, visual resources and archaeological resources. Measures to mitigate these impacts shall also be evaluated and where appropriate required. Examples are pipeline route relocation, measures to enhance the revegetation of temporarily disturbed areas (e.g., separation of topsoil and vegetative materials from excavation spoils for subsequent spreading over excavation spoils) and archaeological investigations or excavation programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 8: Pipeline Route Selection

When feasible, pipelines shall be routed to avoid important coastal resources including recreation, sensitive habitats, archaeological areas and seismically active or geologically unstable areas. Unavoidable routing through recreation, habitat, or archaeological areas, or other areas of significant coastal resources, shall be done in a manner that minimizes the extent of disturbance, erosion potential and the impacts of a spill, should it occur (by considering oil spill volumes, durations, and projected path). Where new petroleum pipeline segments (excluding natural gas) pass through sensitive resource areas, recreation areas, archaeological areas or seismically active areas, the segment shall be isolated (in the case of a break) by automatic shutoff valves. The county may determine whether spacing automatic shutoff valves at intervals less than the maximum set by the Department of Transportation is required to protect sensitive coastal resources. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 9: Construction Requirements

In sensitive resource areas the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 10: Site Restoration

Upon completion of pipeline construction the site shall be restored to the approximate pre-construction condition. Measures shall be taken during the restoration effort to protect and enhance wetland habitats in accordance with the habitat protection, erosion, and revegetation policies of the Plan. A revegetation program shall be required where it is determined that a disturbed area would not naturally re-vegetate sufficiently quickly to prevent substantial erosion or disruption of adjacent habitat. If necessary, required revegetation techniques would be determined based upon an investigation conducted by a qualified biologist. Additional measures necessary to prevent erosion until the vegetation is established may also be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 11: Geologic Requirements

Geologic investigations shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential fault zones, seismically active areas, or moderately high to high risk landslide areas as identified in the Geologic Study Area combining designation, the Seismic Safety Element or inferred by more recent studies or investigations. This report shall investigate the potential risk and shall recommend such mitigation measures as pipeline route changes and or engineering measures to help assure the integrity of the pipeline and minimize erosion, geologic instability, and substantial alterations of the natural topography. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Pipeline Consolidation

New pipeline corridors shall be consolidated within existing pipeline or electrical transmission corridors where feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

E. POWER PLANTS AND ELECTRICAL TRANSMISSION LINES

The construction or operation of new power plants and expansion or alterations to existing plants is governed by Coastal Act policy. The Coastal Act recognizes that power generating and other facilities which may be incompatible with coastal resource protection goals are necessary for the social and economic well being of the state and nation. Section 30001.2 of the Act provides the basis for allowing this type of development in the coastal zone.

The Act requires the Coastal Commission to designate specific areas of the coastal zone that are not suitable for siting power plants. After these designations are adopted, the governing entity (the State Energy Commission) cannot approve a power plant in a designated area. Map 3 identifies those areas designated as inappropriate for power plant siting. In areas of the coast that the commission does not designate, a power plant may be built without Coastal Commission approval. An area not recommended for designation may nonetheless contain valuable coastal resources and the county and the Coastal Commission can participate in the Energy Commission proceedings. This could include proposed modifications to the proposed site and plant that would mitigate any potential adverse effects on coastal resources. The Energy Commission must implement any recommendations made by the Coastal Commission unless those recommendations are found to cause more environmental damage or are not feasible.

The Coastal Act requires the commission to "every two years revise and update the designations." These biennial revisions will give the commission an opportunity to examine the designations as more coastal resource data becomes available and may help to implement this county's Local Coastal Plan. This biennial revision also affords local governments the opportunity to recommend areas for designation.

Concerns have been raised for the siting of additional power plants in San Luis Obispo County which require high technology and high capital costs. The Coastal Commission's Power Plant Siting designations define power plants as thermal electric power plants with generating capacity greater than 50 megawatts and related facilities. These designated areas should not be interpreted to discourage the location of power generating facilities utilizing alternative sources of energy and low technology, low capital energy. Such power generating uses could include solar, wind, or wave-resources or plants which could provide energy on a decentralized basis--for local, small scale use instead of regional or out-of-the-area use. These facilities may have lesser environmental consequences than major power plant sitings.

Policy 13: County Involvement in Power Plant Siting

The county shall review proposed power plant sitings and participate in Energy Commission proceedings to encourage safe and environmentally sound decisions. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 14: Request for Coastal Commission Designation

The county should request biennial review that the following areas be considered as designated areas inappropriate for power plant siting:

- a. Little Morro and Chorro valleys should be reviewed based on their prime agriculture soil capability.
- b. The communities of Cayucos and Pismo Beach have not been designated and should be reviewed based on urban land use and viewshed considerations.
- c. The coastal terrace between the southern border of the Diablo Canyon Nuclear Power Plant site and Point San Luis is a two mile stretch of coastline which has not been designated as inappropriate for siting power plants.

The area has prime soil capability as well as environmentally sensitive habitats. With the existing location of the Diablo Canyon Nuclear Power Plant on the terrace, concerns may be raised for the total intensity of industrial development that could be located on the terrace as well as the impacts of additional development on the onshore and offshore environmentally sensitive habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 15: Alternative Energy Facilities

The county should encourage the development of small-scale power generating facilities that may have substantially less environmental, social and economic impacts. Such facilities could provide energy for local use, and may include those using solar, wind, wave and other low-technology and low capital intensive methods. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

The California Public Utilities Commission (CPUC) and the California Energy Commission are the agencies responsible for review and approval of transmission lines which includes technical, safety performance and environmental concerns. The CPUC had the authority to regulate all service, design, construction and related activities of electrical utilities, including the location and method of construction of transmission and distribution facilities. All transmission lines proposed in the coastal zone are considered developments under the Coastal Act, so the county will have permit review authority based on the following policies:

Policy 16: Siting within Viewsheds

Transmission line rights-of-way shall be routed to minimize impacts on viewsheds in the coastal zone, especially in scenic rural areas, and to avoid locations in or adjacent to significant or unique habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetation removal shall be minimized and disturbed areas shall revegetated with plants similar to those in the area. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 17: Undergrounding Requirements

Where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

Above-ground pipeline or transmission facilities should be sited outside view corridors of scenic areas where alternate corridors are feasible. Where above-ground pipeline or transmission facilities must be sited within a scenic corridor, the pipelines and/or utility lines should not be located along the road right-of-way for continuous extended distances unless the alternative routes are technically or economically infeasible.

Siting of transmission lines should avoid the crests of roadways to minimize their visibility on distant views. Lines should cross roadways at a downhill low elevation site or a curve in the road unless the alternative routes are technically or economically infeasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 18: Consolidation of Transmission Corridors

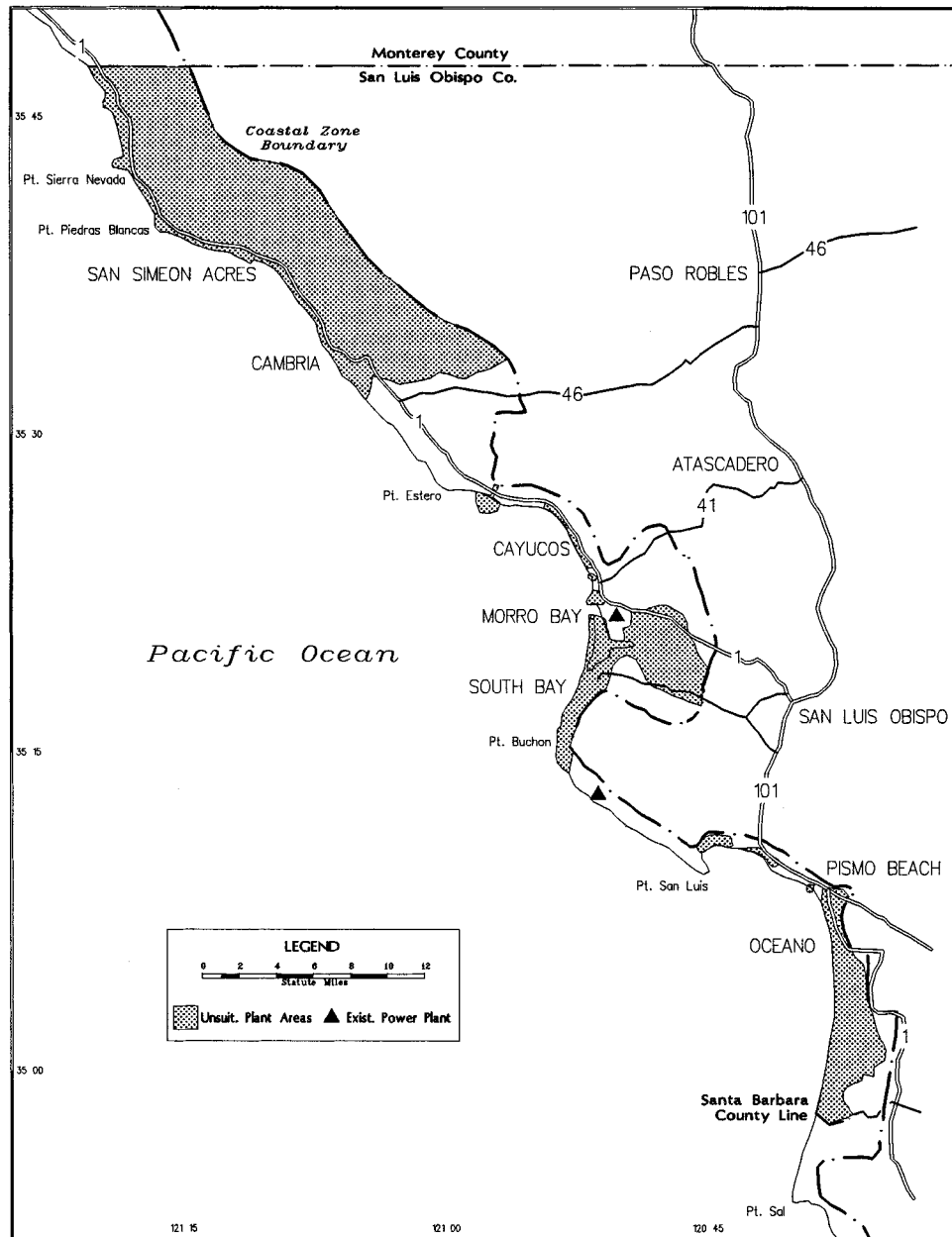
New major steel tower electrical transmission facilities shall be consolidated with existing corridors unless there are social, aesthetic, technical, and economic concerns for which it can be shown that the anticipated impacts are greater than those resulting from the placement at an alternative site. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 19: Consolidation of Corridors

Existing rights-of-way should be utilized for other related utilities to provide consolidated corridors wherever such uses are compatible or feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 20: Access and Construction Roads

Access and construction roads should be located to minimize landform alterations. road grades and alignments should follow the contour of the land where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]



Map 3: Coastal Commission Designations of Areas Unsuitable for Power Plant Construction

F. LIQUEFIED NATURAL GAS (LNG)

Although Point Conception has been selected by the California Public Utilities Commission as the location for the one LNG facility within the California Coastal Zone, Rattlesnake Canyon was ranked second by the California Coastal Commission. The County Board of Supervisors adopted a resolution urging that Rattlesnake Canyon not be selected and recommended inclusion of 22 conditions which are incorporated here by reference.

Policy 21: Resolution 78-300

Should the Liquefied Natural Gas Plant be considered for the Rattlesnake Canyon, the conditions proposed in County Resolution 78-300 shall be requested to be applied through the PUC and FERC review process. (See Appendix D.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

G. AQUACULTURE

Aquaculture activities range from oyster and abalone culture to fish hatcheries and fish farms. Both public and private sector enterprises are currently making significant contributions to the state economy from the production of salmon, trout, abalone and oysters. The aquaculture industry will play an increasingly important role in food production as a result of expanding demand for food and the declining yields of world fisheries. As a coastal-dependent use under the Coastal Act, aquaculture should be encouraged to locate where operations are feasible. The California Aquaculture Development Act authorizes the Department of Fish and Game to identify coastal sites that it deems appropriate for aquaculture facilities. A preliminary study of aquaculture needs has been completed. This study found that identifying specific sites prior to development is not practical at this time. In lieu of specific site identification, broad criteria for land and water areas suitable for aquaculture have been established and were used in recommending where aquaculture should be considered.

Policy 22: Coastal-Dependent Facilities

Aquaculture shall be defined as the culture and husbandry of aquatic organisms, including but not limited to shellfish, mollusks, crustaceans, kelp and algae. Aquaculture facilities sited on or near the shoreline shall be required to be coastal-dependent facilities. Development shall be sited and designed to prevent adverse impacts on agricultural land, designated environmentally sensitive habitat areas, and natural vegetation buffer areas shall be maintained to protect riparian habitats.

Development standards shall include:

- Facilities shall be compatible with natural surroundings. Shoreline facility structures shall be screened. Intake and outfall lines shall be placed underground except where not feasible for certain activities such as salmon culture.
- Shoreline access shall be provided with the access policies of the LCP and shall include adequate provision for lateral beach access if channels and pipes must be placed above ground. Aquaculture facilities incompatible with adjacent high use recreational areas shall be required to erect barriers designed to discourage encroachment.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.045 OF THE COASTAL ZONE LAND USE ORDINANCE.]

H. OFFSHORE OIL AND GAS DEVELOPMENT

The federal government and the state of California have proposed a number of lease sales which may result in offshore oil and gas development along the San Luis Obispo County coast. The sales include Lease Sale (LS) #53 in May, 1981; LS #73 in May, 1983; LS #80 in May, 1984; and potential state sales of the state tidelands. Specific position statements have been developed by the county regarding the size, timing and location of those sales and are hereby incorporated by reference (Five Year OCS Oil and Gas Leasing Program, 9-17-79; DEIS Five Year OCS Oil and Gas Leasing Program, 10-15-79; DEIS Lease Sale #53, 6-26-80; San Luis Obispo County Area Council of Governments Position Statement on the Proposed Notice of Sale for LS #53, 11-24-80).

The following policies provide guidance for minimizing onshore environmental and socio-economic impacts associated with offshore oil and gas development. They include policies on offshore oil drilling in general as well as more specific policies on onshore support facilities, including service bases and partial processing facilities. Other associated policies for onshore facilities are discussed under the prior sections on marine terminals and pipelines. The determination of allowable sites for these facilities can be found in the allowable uses chart for the coastal zone, definition of terms, and land use maps in the Land Use Element.

Policy 23: Onshore Petroleum Pipeline

Upon successful offshore exploratory development, the county shall consider participating with affected agencies and organizations to examine the extension, size, throughput, and location of onshore petroleum pipelines, extending from major metropolitan refining centers to San Luis Obispo County petroleum processing and storage facilities and northward to intercept petroleum presently exported through existing marine terminal operations at Estero Bay and Port San Luis. Such groups may include the state of California, Santa Barbara County, the Santa Barbara County Pipeline Working Group, or the appropriate committees of the Bureau of Land Management's Intergovernmental Planning Program. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 24: Requirement for Petroleum Transportation

Offshore oil shall be transported to refining centers by pipeline, where feasible, rather than by petroleum tankers to minimize increased air pollutant emissions and the increased probability of oil spills.

Proposals for expanding, modifying or constructing new oil processing facilities shall be conditioned to require shipment of oil by pipeline when constructed, unless such transport would not be feasible for a particular operation as determined by the Pipeline Working Group (PWG), the operator and the county.

The county in conjunction with the OCS Pipeline Working Group shall examine the applicability and feasibility of designating existing marine terminals as nonconforming uses and requiring the shipment of oil through the new pipelines. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 25: Air Pollution Standards

Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution Control District (APCD) standards. As a condition of approval, the APCD Officer may:

- a. Require an air pollutant emission/oil throughput limitation by which allowable oil throughput through the facility is based upon the amount of air pollutant emissions.
- b. Set limits on the timing of loading operations when projected oxidant levels exceed designated levels.

- c. Require establishment of an ambient air monitoring system in a manner approved by the APCD to continuously monitor pollutants and record wind speed and direction.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 26: Subsea Pipeline

Recommend that all offshore to onshore subsea pipelines shall be buried from a point offshore commencing where wave action first causes significant bottom disturbance seaward of low tide. (This is under the jurisdiction of state and federal agencies.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 27: State Oil and Gas Sanctuaries

Request that the state of California maintain the continuation of the designated oil and gas sanctuaries in the State Tidelands of San Luis Obispo County. To maintain this designation federal OCS tracts adjacent to the state tidelands should not be leased for oil and gas development. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

SERVICE AND SUPPLY BASES. These facilities are the logistical links between onshore and offshore activities during the exploration and development phase of offshore oil and gas development. The main activity of a service base is the transfer of materials and workers between shore and offshore operations. A service base generally includes berthage for supply and crew boats, dock space for loading and unloading, warehouses, open storage areas, and space to house supervisory and communication personnel. In addition to being either a temporary base serving exploration or a permanent base serving offshore production, a service base can also be major or minor. The primary differentiation is the shipment of heavy equipment and major supplies requiring barges or large supply boats (180'+) in comparison to small supply, crewship bases requiring crew boats of up to 80 feet in length. The following policies pertain to service bases in San Luis Obispo County:

Policy 28: Service Base Improvements

A proposed service base in an existing port and harbor shall study the feasibility of improving the present level of facilities and moorage for recreational boating and commercial fishing. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 29: Service Base Limitation

Service bases shall be concentrated to a single facility and site and shall be further limited, where possible, to minor service bases. All heavy equipment and large quantities of bulky supplies should be transported from existing deep water ports or any proposed Oil Supply Base in the northern Santa Barbara Channel area. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 30: Development Plan Review

Proposed service bases for offshore oil and gas development shall require Development Plan review and include the following:

- a. A detailed examination of alternative sites addressing access, site requirements, displacement of existing uses, proximity to offshore oil development, necessary harbor and wharfage requirements, and suggested mitigation measures. Potential sites to be examined include: Port San Luis, the existing oil industry piers and facilities at Avila Beach, and potential sites south of Point Conception.

- b. Phasing plan for the staging of development indicating the anticipated time table, and site plans for project initiation, expansion possibilities, completion, consolidation possibilities and decommissioning.
- c. Oil spill contingency plans (using the most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal, and reporting of incidents, and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containment equipment and personnel.
- d. An identification of necessary facilities for the service base to function and the identification of facilities and potential locations to site all facilities and operations that are not absolutely necessary to be sited adjacent to the wharfage at the service base (i.e., major warehouse, major storage areas, and personnel overnight parking areas).
- e. A fire protection system approved by the governing fire authority.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 31: Conflict with Other Harbor Users

Service bases shall be sited in such a manner as to minimize conflicts with other harbor uses through the use of segregated wharfage, dock and fueling area, careful site design in the location of wharfage and vessel approval lanes, and segregated vehicular traffic and parking facilities and areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 32: Service Base Locations

Service bases shall be sited in the most appropriate location in close proximity to areas of potential offshore oil development. No service base shall be sited in areas north of Point San Luis due to distance from leasing areas and their high environmental sensitivity of the area unless substantial leasing has been permitted in the northern portion of the county and it is demonstrated that: 1) the alternative sites are infeasible or more environmentally damaging, and 2) adverse environmental impacts are mitigated to the maximum extent feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

PARTIAL OIL AND GAS PROCESSING FACILITIES. These facilities are required to remove impurities and separate crude oil, natural gas, and formation water from a crude oil well stream. Such a processing plant normally consists of facilities for well stream separation of oil, gas and formation water, oil treatment and storage, gas processing and treatment, liquefied petroleum gas storage, and waste water treatment facilities. Three alternative strategies are available for processing crude oil produced offshore once associated gas has been separated, including: 1) pumping the entire well stream to shore for processing; 2) removing free water from the liquid well stream at the production platform and pumping the remaining well stream to shore for processing; and 3) processing the entire well stream offshore at an offshore storage and treatment facility. The advantages to the county of an onshore facility include: 1) local control of air pollutant emissions (allowing the imposition of much more stringent state emission standards); 2) significant reduction in the probabilities of an ocean oil spill; and, 3) property tax revenues.

Specific policies and standards for the siting of these facilities have been developed through the county's Resource Management and Energy Facility Siting Study of the Guadalupe Dunes.

Policy 33: Onshore Processing

Encourage construction of an onshore partial processing plant in place of an offshore storage and treatment facility. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 34: Consolidation of Related Facilities

Require development of partial processing facilities within the existing oil refinery site or within the adjacent area planned for industrial use on the Nipomo Mesa unless it is infeasible or more environmentally damaging than alternative sites. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 35: Development Plan Review

Proposed partial oil and gas processing facilities serving offshore oil development shall be subject to Development Plan review and require the following:

- a. Phasing plan for staging of development, indicating the anticipated time table and site plans for project initiation, expansion possibilities, completion, consolidation possibilities and decommissioning.
- b. A fire protection system approved by the governing authority.
- c. Screening of the facilities from public view through height limitations, careful site design, artificial contoured banks and mounding, extensive landscaping, and decorative walls and fences.
- d. Any part of the facilities that cannot effectively be screened by the above methods shall be painted with non-reflective paint and with colors which blend with the surrounding natural landscape.
- e. Oil spill contingency plan (using most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containment of equipment and personnel.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

I. GUADALUPE DUNES ENERGY MANAGEMENT

The Nipomo Dunes ecosystem is an 18 square mile area, lying in northern Santa Barbara and southern San Luis Obispo counties. The area is considered to be the largest and most beautiful remaining dune-lagoon complex in California (California Department of Parks and Recreation, 1968). Recognizing that the area's ecological and scenic values are of national significance, the U.S. Secretary of the Interior designated all of the coastal area between Point Sal and Pismo Beach (with the exception of a portion of the Guadalupe LeRoy oil field) a National Natural Landmark and placed it in the National Registry of Natural Landmarks.

Although the Guadalupe oil field in San Luis Obispo County physically lies within the Nipomo Dunes system, the decision of the Secretary of the Interior to exclude it from Natural Landmark designation was based on the disturbance of that area by oil wells and roads. (This is an example of the potential conflict between energy development and protection of coastal resources.)

The national goal of reducing dependence on foreign energy supplies is likely to increase the potential for energy development in and around the Nipomo Dunes. Although Guadalupe oil field production has generally been declining, the recent lifting of heavy crude oil price controls has been significant inducement for new and expanded production facilities. In addition, the federal government has identified plans to hold oil and gas lease sales for offshore areas of central and northern California to begin in June, 1981 (OCS Lease Sale No. 53). This has raised the potential for onshore support facilities to be located in or around the dunes. This is because the dunes lie directly across the closest landfall point from the offshore area, with the highest potential for finding commercial petroleum deposits. There is also a possibility that the state of California may eventually lease areas within the state tidelands for oil and gas development.

In passing the California Coastal Act of 1976, the legislature recognized potential conflicts between energy development and coastal protection. However, it found that "notwithstanding the fact that coastal energy development may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state."

In developing a Local Coastal Program to implement the policies of the Coastal Act, San Luis Obispo County sought to obtain more detailed information on the portion of the Nipomo Dunes ecosystem within San Luis Obispo County (the Guadalupe Dunes unit). To accomplish this, a consultant was selected to prepare a detailed study of the area, with the goal of providing adequate information for a management plan to ensure that anticipated energy development in the dunes is compatible with the valuable coastal resource and is consistent with the requirements of the Coastal Act. Specific objectives of the project were to:

1. Prepare an inventory of natural resources in the study area.
2. Prepare scenarios of potential future energy development.
3. Assess impacts of all potential energy development.
4. Develop mitigation measures and performance standards for anticipated energy facilities, including alternative siting strategies.

The recommended management plan was intended to be incorporated into the county's Local Coastal Program. The proposed management plan has been extracted, summarized and is incorporated herein by reference as the basis for the final plan.

The study presented two development alternatives, both of which would be consistent with the Coastal Act and take into account potential conflicts between protection of a unique coastal resource and the need for energy development. Alternative 1 would not allow new or expanded coastal-dependent or resource-dependent development outside the existing oil production area (Leroy Lease). Under this alternative, the need to protect the especially sensitive habitat of the Guadalupe Dunes outweighs the economic benefits to be derived from new or expanded coastal-dependent or resource-dependent uses within the area. Alternative 2 would allow limited coastal-dependent and resource-dependent development based on the findings that no alternative location is feasible for some facilities associated with the recovery of petroleum resources. The potential disruption of the habitat area can be minimized to a level where the economic benefits that would be derived by such development outweigh the impacts on the ecosystem.

The following policies are based on the selection of Alternative 2 by the Board of Supervisors:

Policy 36: Resource-Dependent Development

The county may permit resource-dependent development within the Guadalupe Dunes only if consistent with the standards specified in the *Energy Facility Siting Management Plan for the Nipomo Dunes System* (Volume II Guadalupe Unit, October 2, 1980), and the certified Local Coastal Program. The following findings are made in determining that potential development is consistent with Coastal Act policies:

The entire Guadalupe Dunes habitat area is a portion of the largest remaining dune-lagoon complex within California.

The entire Guadalupe Dunes habitat area is a unique coastal resource and all areas within the dunes are especially sensitive to disturbance.

Although feasible alternative locations within Union Oil's Leroy lease or outside the Guadalupe Dunes are available for some potential facilities, recovery of petroleum resources within the area is not feasible unless some facilities are located within undisturbed portions of the dunes.

The potential disruption of the Guadalupe Dunes habitat area and loss or degradation of habitat values as a result of siting coastal-dependent or resource-dependent uses within the currently undisturbed habitat area may be minimized to a level where economic benefits derived from such development outweigh the impacts on the ecosystem. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 37: Resource-Dependent Uses

Other than those uses and activities approved by the Coastal Commission for Union Oil's Leroy lease, permitted facilities within the dune areas shall be limited to uses that absolutely require a site within the Guadalupe Dunes to be able to function at all. Such development would be subject to environmental review, with particular emphasis on potential alternative locations. Specific policies related to the types of permitted facilities may be found in Section E of the Appendix. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 38: Siting to Minimize Disruption

For development that is permitted within the Guadalupe Dunes, facility siting must ensure the minimum amount of habitat disruption with consideration of the following in accordance with the policies in the Energy Facility Siting Management Plan:

- a. Alternative locations
- b. Habitat preservation
- c. Site restoration
- d. Wetlands development
- e. Significant biotic areas (i.e., dune swales and giant *Coreopsis* stands)
- f. Beach area where facilities or structures would potentially interfere with public access and recreational use of the sandy beach
- g. Areas of prime visual quality
- h. Consolidation of facilities [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 39: Resource Sensitivity Maps

The resource sensitivity map in the *Energy Facility Siting Management Plan for the Nipomo Dunes System* (Volume II Guadalupe Unit) identifies areas within the Guadalupe Dunes which would be susceptible to the least amount of disturbance. The resource sensitivity map also identifies areas with the highest habitat value and susceptibility to disturbance. These maps shall be used as a general siting criteria for new development. New development in the Guadalupe Dunes shall be permitted where it is consistent with the sensitivity of the resources as identified on the maps and with reconnaissance by a qualified biologist of the specific area proposed for development. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 40: Mitigation Strategies

The following mitigation strategies are designed to minimize habitat disruption from various development activities at new locations:

- a. Much unnecessary damage to the dune habitat may be avoided by requiring pre-construction consultation between design engineers and environment specialists. This is necessary to determine the appropriate specific site location and to select construction procedures least likely to disturb the dune habitat. An initial archaeological survey and testing program is a necessary part of the permit review process to avoid siting in an area of unexpected high habitat value.
- b. Access roads and well site construction shall be designed consistent with the resource sensitivity map and other specific criteria defined in the *Energy Facility Siting Management Plan for the Nipomo Dunes System* and through reconnaissance by a qualified biologist of the sites.
- c. Oil and gas drilling and production activities, pipeline installation, site abandonment and habitat restoration, oil spill and clean-up measures shall meet the criteria defined in the *Energy Facility Siting Management Plan*.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

J. TELECOMMUNICATIONS FIBER OPTIC CABLE PROJECTS

The use of fiber optic technology has emerged as a major component of telecommunications systems. With the enactment of the Telecommunications Act of 1996 there has been a dramatic increase in the competition and proliferation of new companies in the telecommunications industry with the rapid deployment of advanced technologies. The development of very fine and pure glass strands known as fiber optics that carry large quantities of digital information, combined with the massive expansion of use of the world wide web Internet system, and the potential for use of these fiberoptic cables to carry movies, television, and most other types of communications, has changed the way that traditional telephone companies operate. San Luis Obispo County has been in the unique geographical position of being located in the middle of a state that has major urban population bases, and also has the offshore geography conducive to laying trans-Pacific telecommunications cable lines to places like Japan, China and Australia. Hard ocean bottom configurations are sensitive habitat areas to be avoided. Cable lines installed on underwater rocky outcroppings also have the potential to cause conflicts with fishing by snagging fishing gear. Accordingly, Policy 42 below requires the routing of cable lines to avoid recreation areas and sensitive habitats, among other sensitive resource areas. Within county jurisdiction, Montana de Oro State Park is a major landing site for several telecommunication companies' trans-Pacific cable systems. The cities of Morro Bay and Grover Beach also have landing site facilities. Fiber optic cable projects have impacts that are different from pipeline projects. For example, borings under stream crossings or in the nearshore areas use a drilling fluid product called

bentonite that can accidentally be released into surface waters. Construction activities can impact public access if staging areas need to be located in public parking areas or along the shoreline. The following policies address the development of onshore fiber optic cable projects.

[Amended 2004, Ord. 3006]

Policy 41: Cable Line Routes in Sensitive Habitats

Except for work on cable lines exempted from coastal development permits under Section 30610 (d) and (f) of the Coastal Act and Section 23.03.040 of the CZLUO, a field survey funded by the applicant shall be conducted along the proposed cable line route in all sensitive resource areas. The survey shall identify the type and extent of impacts from the construction and operation of the proposed cable line on important coastal resources, including sensitive habitat and sensitive or endangered flora species, visual resources and archaeological resources. Measures to mitigate these impacts shall also be evaluated and where appropriate required. Examples are cable line route relocation, measures to enhance the revegetation of temporarily disturbed areas (e.g., separation of topsoil and vegetative materials from excavation spoils for subsequent spreading over excavation spoils) and archaeological investigations or excavation programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 42: Cable Line Route Selection

When feasible, cable lines shall be routed to avoid important coastal resources including recreation areas, sensitive habitats, and archaeological areas. Unavoidable routing through recreation areas, habitat, or archaeological areas, or other areas of significant coastal resources, shall be done in a manner that minimizes the extent of disturbance, erosion potential and the impacts of a spill, should it occur (by considering drilling fluid spill volumes, durations, and projected path in a Drilling Fluid Monitoring Plan). [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 43: Construction Requirements

In sensitive resource areas the extent of cable line construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 44: Site Restoration

Upon completion of cable line construction the site shall be restored to the approximate pre-construction condition. Measures shall be taken during the restoration effort to protect and enhance wetland habitats in accordance with the habitat protection, erosion, and revegetation policies of the Plan. A revegetation program shall be required where it is determined that a disturbed area would not naturally revegetate sufficiently quickly to prevent substantial erosion or disruption of adjacent habitat. If necessary, required revegetation techniques would be determined based upon an investigation conducted by a qualified biologist. Additional measures necessary to prevent erosion until the vegetation is established may also be required. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 45: Consolidation of Cable Line Corridors / Reuse of other Utilities

New onshore cable line corridors are encouraged to be consolidated within existing cable line corridors or placed in existing abandoned gas/oil pipelines where feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

[Added 2004, Ord. 3006]

CHAPTER 5: COMMERCIAL FISHING & RECREATIONAL BOATING

POLICIES FOR COMMERCIAL FISHING, RECREATIONAL BOATING, AND PORT FACILITIES

Based on the information summarized in the draft background report, the following policies will guide the development of commercial fishing and recreational boating facilities within the coastal zone.

Policy 1: Protection of Commercial Fishing and Recreational Boating Opportunities

Commercial fishing and recreational boating shall be protected and where feasible upgraded. Commercial fishing needs shall be assigned first priority. Recreational boating facilities shall be designed and located to not interfere with the needs of the commercial fishing industry. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Priorities for Development of Facilities

Where feasible, oceanfront recreational development should give priority to boat ramps, dry storage and other recreational boating facilities as otherwise consistent with the policies of the Coastal Act. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

NOTE: Policies 3 through 10 address the development that may occur within the Port San Luis Harbor District. For detailed specifics on development standards, refer to the San Luis Bay Planning Area, Chapter 8, Planning Area Standards, Public Facilities Category.

Policy 3: Port San Luis Harbor Master Plan

New development of facilities under jurisdiction of the Port San Luis Harbor District shall be permitted where consistent with the Local Coastal Program and Chapter 3 of the Harbor Master Plan. The policies of Chapter 3 have been extracted from the Master Plan and summarized in Policies 4 through 6 below. Specific standards for development are incorporated under public facilities in Chapter 8 of the LUE for the San Luis Bay Planning Area. Map 4 identifies the five planning areas as follows: Harford Pier, Harbor Terrace, Avila Beach, Beach and Bluff, and Lighthouse Areas. (Note: The number in parentheses at the end of the paragraph correlated to the policy number in the Harbor Master Plan.) [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 4: Priorities for Development of Facilities and Allocation of Service Capacity

Priorities for development of the harbor will reflect the goals and priorities as follows:

Priority I: Coastal-Dependent Uses

Commercial fishing and related mariculture/aquaculture.

Sport fishing.

Recreational boating and other oceanfront recreational uses.

Energy-related facilities.

Priority II: Coastal-Related Uses

Other visitor-serving retail commercial uses and other coastal-related uses.

Priority III: Other Uses

Other uses which are neither coastal-dependent or coastal-related. Priorities and policies of the California Coastal Act shall be considered in all harbor development. Prior to approval of any use which is not coastal-dependent the Harbor District shall make a finding that adequate resources and services have been reserved for all coastal dependent uses proposed in the Master Plan. (PSL Policy G-3) [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]
[Amended 1995, Ord. 2702]

Policy 5: Port San Luis Service Capacity

Proposed development of projects and related improvements shall be within the circulation and utility capacity available to the harbor area, or to be guaranteed through a planned program of improvements as specified in the Harbor Master Plan. These capacity limits are recognized for each service as follows:

- a. **Water:** Usage shall not exceed the 100 AFY available to the Harbor District from its Lopez entitlement. Adequate water pressures for fire suppression shall be maintained in all district water mains at all times.
- b. **Sewer:** Wastewater generation shall not exceed available capacity owned by the Harbor District in the Avila Beach county water district wastewater treatment plant and/or such other facility as may be constructed.
- c. **Traffic:** Avila Beach Road shall not be subjected to traffic levels exceeding level of service "C", based on the average hourly weekday two-way 3:00 p.m. to 6:00 p.m. traffic counts to be conducted during the second week in May of each year. [Amended 1995, Ord. 2702]
- d. **Parking:** All new uses shall be required to provide additional parking consistent with the County Coastal Zone Land Use Ordinance requirements or to provide an in-lieu contribution to a district-wide parking program.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 6: Development of Offshore Oil Support Facilities in Port San Luis

Any portion of a new or expanded crew base for offshore oil development which is within the county's LCP permit jurisdiction shall require county development plan approval. For any such crew base, an environmental impact report shall be prepared under the joint direction and review of the Harbor District and County. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 7: Permit Requirement for Crew Bases

Any proposed crew base for offshore oil and gas development shall require development plan review. Review and approval shall include the following:

- a. A detailed examination of alternative sites addressing immediate and cumulative impacts on public access to the sea, recreational uses including boating, fishing industry viability, and air and water quality; site requirements; displacement of existing uses; proximity of offshore oil development; necessary harbor and wharfage requirements; and feasible mitigation measures. Potential sites to be examined shall include:

existing oil industry piers and facilities, the proposed multi-use harbor, and potential sites south of Point Conception.

- b. Phasing plan for the staging of development indicating the anticipated timetable; and site plans for project initiation, expansion possibilities, completion, consolidation possibility and decommissioning.
- c. Oil spill contingency plan indicating the location and type of cleanup equipment, waste disposal, and reporting of incidents, and provisions for periodic drills by the operator to test the effectiveness of cleanup and containment equipment and personnel.
- d. An identification of:
 - (1) necessary facilities for the crew base to function:
 - (2) coastal-dependent components of a crew base: and
 - (3) potential locations to site all noncoastal-dependent facilities and operations inland (e.g., warehouse, storage areas, and parking areas).
- e. The crew base shall be limited to a minor crew base, used only for transport of personnel and incidental supplies. Incidental supplies shall not include cargo operations and shall be limited to small packages of groceries, medical supplies, electrical and mechanical parts, and other similar items that can be carried by hand.
- f. Harbor improvements shall be sited in such a manner to avoid to the maximum extent feasible conflicts with other harbor uses through consideration of segregated wharfage, dock and fueling areas, careful site design in the location of wharfage and vessel approach lanes, and segregated vehicular and traffic and parking facilities as mitigation measures.
- g. In approving any development for a new or expanded crew base, the county shall determine in writing, based upon timely and adequate facts and analysis, as follows:
 - (1) There is a need for a coastal-dependent crew base to service offshore oil and gas development in the Santa Maria Basin.
 - (2) The proposed location is the least environmentally damaging feasible alternative, taking into account land use considerations at all sites considered and at adjacent properties.
 - (3) Failure to approve the crew base would adversely affect the public welfare.
 - (4) The project location, design, and county requirements mitigate the adverse environmental impacts to the maximum extent feasible.
 - (5) The development includes no components which do not require a location on or adjacent to the sea in order to function at all.
 - (6) The crew base shall be available to all users on a fair and equitable basis in order to alleviate the need for additional bases.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 8: Oil Support Facilities

Oil support facilities shall be allowed, subject to compliance with all other applicable requirements of the Local Coastal Program (LCP), as follows: certain major emergency uses in accordance with Policy 9, and conditional uses in accordance with Policy 10. Any new or expanded facilities* or uses not allowed by the Local Coastal Program shall require an amend-ment to the LCP and San Luis Obispo County Development Plan approval before they can be accommodated.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 9: Major Emergency Use by Oil Company Support Vessels

Oil company support vessels, including oil spill clean-up vessels, crew, and supply boats, will be allowed to use facilities designated by the district in one of the following

- * "New or expanded facilities" is defined to mean any development which requires a permit or which requires only an administrative permit under the Coastal Act. (PSL Policy G-6) actual or imminent circumstances: medical emergency, fire, foundering vessels, or oil spills. In any such emergency, the Harbor Master shall report the occurrence at the next meeting of the Harbor Commission. To prevent emergencies, vessels primarily designed and equipped for oil spill clean-up may be permitted to moor in the harbor on a yearly basis. Any such emergency use shall be subject to emergency permit requirements pursuant to the LCP or, within the Coastal Commission's permit jurisdiction, to emergency permit or waiver provisions of the Coastal Act. (PSL Policy G-7)

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 10: Conditional Oil-Related Uses.

Oil-related uses serving research and exploratory drilling operations (as contrasted with operational construction, drilling, and recovery) and requiring no more than "minor"* new construction, may be permitted consistent with the LCP (when considering the individual and cumulative impacts of the request and reasonably expected similar requests) if:

- a. Alternative locations are infeasible or more environmentally-damaging; and
- b. To do otherwise would adversely affect the public welfare; and
- c. Service capacities for existing coastal-dependent uses in the district's jurisdiction, and those existing uses projected growth patterns shall not be significantly impacted; and
- d. Adverse environmental effects are mitigated to the maximum extent feasible; and
- e. Ordinances are enacted requiring permit conditions, necessary findings for issuance, mitigation measures, sunset provisions, public hearings, and penalties for violation of permits or the ordinances. (See Standards No. 6 and 7 for other facility and permit requirements.)

*"Minor": New or expanded construction valued at \$5,000 or less.

The Land Use Element/Local Coastal Program provides a series of regulations on permitting and siting oil support facilities. These include: crewbase siting, emergency use by support vessels, conditional oil-related use serving research and exploratory drilling operations involving only minor new construction. (PSL Policy G-6, G-7, G-8.)

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO PLANNING AREA STANDARD.]

Policy 11: San Simeon Harbor of Refuge

Improvements at San Simeon Harbor shall be limited to a small-scale recreational boating area, boat-launching ramp and parking area. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD]

CHAPTER 6: ENVIRONMENTALLY SENSITIVE HABITATS

POLICIES FOR ENVIRONMENTALLY SENSITIVE HABITATS

A. SENSITIVE HABITATS

Environmentally sensitive habitat areas are settings in which plant or animal life (or their habitats) are rare or especially valuable due to their special role in an ecosystem. Designation of environmentally sensitive habitats include but are not limited to: 1) wetlands and marshes; 2) coastal streams and adjacent riparian areas; 3) habitats containing or supporting rare and endangered or threatened species; 4) marine habitats containing breeding and/or nesting sites and coastal areas used by migratory and permanent birds for resting and feeding. The Coastal Act provides protection for these areas and permits only resource-dependent uses within the habitat area. Development adjacent must be sited to avoid impacts. While each of these habitat types is discussed in greater detail, general policies for protection of habitats are as follows:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats

New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

Policy 2: Permit Requirement

As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 3: Habitat Restoration

The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

Policy 4: No Land Divisions in Association with Environmentally Sensitive Habitats

No divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat (100 feet for wetlands, 50 feet for urban streams, 100 feet for rural streams). These building areas (building envelopes) shall be recorded on the subdivision or parcel map. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

Policy 5: Supporting Greenbelt Formation and Maintenance

The county shall continue programs and policies that support greenbelt and open space areas on the urban fringe of coastal communities. In conjunction with the development of Habitat Conservation Plans (HCP's), certain greenbelt areas may be suitable as habitat mitigation banks to help offset impacts from development in adjacent urban areas. Other areas may be best utilized for open space, agriculture, or public recreation. Mitigation banking shall be further evaluated as a potential implementation mechanism. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004, Ord. 3006]

Policy 6: Off-Site Mitigation Bank for Urban Development

The county shall participate in creating a program (e.g. through the update of area plans) that would allow development to occur on sites in urban areas that contain sensitive species habitat but do not represent long-term viable habitat in exchange for participation in an off-site mitigation program. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004, Ord. 3006]

B. WETLANDS

Coastal wetlands, tidal marshes, mudflats, freshwater marshes and related bodies of water are a dynamic, fragile link between oceanic and terrestrial ecosystems. Wetlands help improve the quality and quantity of water, as well as providing important wildlife habitats. By slowing run-off water, wetland vegetation causes silt to settle out, improving water quality. By retaining water during dry periods and holding it back during floods, wetlands will keep the water table high and relatively stable. By providing nesting, breeding and feeding grounds, wetlands support the diversity as well as health of wildlife. Several rare and/or endangered species are found within local coastal wetlands, including the California Brown Pelican and the California Least Tern.

The Coastal Act identifies wetlands and estuaries as environmentally sensitive habitats and requires that the biological productivity and the quality of such areas be maintained and, where feasible, restored. The special value of wetlands and estuaries is further recognized in Section 30603 of the Act in that the Coastal Commission retains appeal authority for any development approved by the county within 100 feet of any wetland after certification of the Local Coastal Program.

The Coastal Act defines "wetland" in Section 30121 as follows:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and includes salt- water marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

To provide accurate delineation of wetlands within the coastal zone, the United States Fish and Wildlife Service and California Department of Fish and Game are conducting field surveys of wetlands within the county. These wetlands are being mapped using the following criteria established by the Fish and Wildlife Service.

"Wetland" is defined as land where the water table is at, near, or above the land surface long enough to do either of the following: a) promote the formation of (hydric) soils that are saturated with water at or near the surface and are deficient of oxygen long enough during the growing season to result in soil properties

that reflect dominate wetness characteristics near the soil surface (within 10"); or b) support the growth of hydrophytic plants which grow in water or in wet habitats.

The primary wetland areas within San Luis Obispo County include: San Carpoforo Creek Lagoon, Arroyo de La Cruz Creek Lagoon, San Simeon Creek Lagoon, Santa Rosa Creek Lagoon, Pico Creek Lagoon, Morro Bay (includes Sweet Springs, Cuesta-by-the-Sea Marsh and Los Osos Estuary), Pismo Marsh, Oceano Lagoon, Dune Lakes, Oso Flaco Lake and the Santa Maria River mouth. East of these wetlands is identified as a Sensitive Resource Area and specific recommendations are included in the Land Use Element by planning area. Other small isolated wetlands exist and would need to be addressed at the time of a specific development project.

In general, the upland extent of a wetland is determined to be land that is flooded or saturated at some time during years of normal precipitation. Because of their proximity to the heavily populated coastline, coastal wetlands are especially vulnerable to disturbance. To ensure their protection, a wide range of resource management techniques will be necessary.

Fee Simple Acquisition. The most obvious method of wetland protection is through acquisition by a public agency. All coastal wetlands below the mean high tide line are historically state property and are administered by the State Lands Commission. Various programs are available to provide funding for wetland acquisition. The State Department of Parks and Recreation is the county's largest public owner of wetlands. The Bagley Conservation Fund provides funds and the State Beach, Park, Recreational, and Historical Bond Act of 1974 allows for the issuance of bonds to raise funds for the State Department of Parks and Recreation to acquire wetlands. Money raised through the sale of hunting and fishing licenses as well as funds provided by the Environmental Protection and Research Act of 1970 allows the California Department of Fish and Game to acquire coastal wetlands. Under the Federal Coastal Zone Management Act of 1972, wetlands designated as Estuarine Sanctuaries may allow the State to receive matching federal funds for acquisition of the wetland. The State Coastal Conservancy was established by the State Legislature in 1977 to implement a program of resource protection including wetland preservation and restoration.

Dedication or Easement. A much less used method of wetland preservation within this county is public easement or dedication, which in most instances involves surrender of development rights by the property owner within the wetland in return for lowered assessments. The county does not currently have complete guidelines for an Open Space Easement Program though open space easements have been granted. Usually, an easement would be granted for at least 10 or 20 years. Coastal wetlands may also be preserved from development through the Agricultural Preserve Program. This method does not require that adjoining land be eligible for inclusion under the agricultural preserve program; however, unless wetland is designated by the county (after consulting the Department of Fish and Game) as an area of great importance for protection or enhancement of state wildlife resources or to be a managed wetland, it will not qualify. A managed wetland is an area that is diked off, to which water is occasionally admitted, and for three years prior to the agricultural contract was used as a waterfowl hunting preserve, game refuge or used for agricultural purposes (Williamson Act, 41201, J & L). Based on this, most county wetlands would not be eligible unless adjoining agriculture lands are included.

Permit Process. Development within coastal wetlands has been subject to a number of permit procedures from various state and federal agencies. Under Section 10 of the Rivers and Harbor Act of 1899, it is unlawful to build, excavate, or fill or modify any navigable water of the United States unless permitted by the Army Corps of Engineers. Under Section 404 of the Federal Water Pollution Control Act Amendments of 1972, this was expanded to cover all waters of the United States. Most coastal wetlands within this county are covered by these laws.

Section 208 of the Federal Water Pollution Control Act Amendments of 1972 controls water quality problems related to nonpoint pollution sources, primarily sedimentation. Within San Luis Obispo County, this program is administered by the California Regional Water Quality Control Board; which also controls discharge of sewage and other wastewaters into wetlands.

Sections 1601 and 1603 of the Fish and Game Code require that any party planning any significant streambed alteration reach an agreement with the Department of Fish and Game.

Watershed Control. Within the watershed of a wetland, two key natural processes are directly related to the condition of the wetland. These are the processes of erosion and runoff and will be discussed under the section entitled Coastal Watersheds. The county's major role in wetland protection, up to now, has been through the control of adjacent land uses.

The following policies are established for protection of the wetland habitat areas within the coastal zone:

Policy 7: Protection of Environmentally Sensitive Habitats

Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 8: Principally Permitted Use

Principally permitted uses in wetlands are as follows: hunting, fishing and wildlife management; education and research projects. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-172 OF THE CZLUO.]

Policy 9: Public Acquisition

The California Department of Parks and Recreation, the California Department of Fish and Game and other public and private sources should be encouraged to acquire or accept offers-to-dedicate coastal wetlands wherever possible.

Priorities for acquisition should be:

- . Sweet Springs Marsh
- . Santa Maria River mouth
- . Villa Creek Lagoon
- . Properties surrounding Morro Bay which include wetland habitat.

[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 10: Open Space Easements and Williamson Act Contracts

San Luis Obispo County shall continue to encourage the use of open space easements or Williamson Act contracts to ensure preservation of coastal wetlands. The county will develop guidelines to facilitate use of open space easements to include requirements for length of dedication (i.e., perpetuity or 10 years), appropriate management responsibility, etc. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 11: Regional Water Quality Control Board "208" Program

California Regional Water Quality Control Board shall administer programs identified through the "208" nonpoint source studies to ensure protection of coastal wetlands and water quality. (The county has incorporated the Basin Plan Amendment requirements into the COASTAL ZONE Land Use Ordinance.) [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 12: State Department of Fish and Game Review

The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 13: Diking, Dredging or Filling of Wetlands

All diking, dredging and filling activities shall conform to the provisions of Section 30233, 30411 and 30607.1 of the Coastal Act. These policies establish the appropriate uses, criteria for evaluation of a project and requirements for restoration or replacement. Allowable activities within open coastal waters, wetlands (with the exception of Morro Bay and the Santa Maria River mouth), estuaries and lakes include:

- a. New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.
- b. Maintenance dredging of existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- c. In wetlands areas only, entrance channels for new or expanded boating facilities, and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigational channels, and any necessary support service facilities be greater than 25 percent of the total wetland area to be restored.
- d. In open coastal waters, other than wetlands, including streams, estuaries and lakes, new or expanded boating facilities.
- e. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- f. Mineral extraction, including sand for restoration of beaches, except in environmentally sensitive areas.
- g. Restoration purposes.
- h. Nature study, aquaculture, or similar resource-dependent activities.
- i. Maintenance of flood control facilities by permit.

The wetlands of Morro Bay and the Santa Maria River mouth are identified in Section 30233(c) as among those identified by the Department of Fish and Game in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California." Under this section, allowable uses within these wetlands shall be restricted and limited to very minor incidental public facilities, restorative measures consistent with PRC Section 30411 of the Coastal Act and nature study.

Diking, dredging, and filling for these types of development in wetlands, estuaries, coastal waters and lakes shall be permitted only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental impacts, and where consistent with the maintenance of the tidal flow and continued biological viability of the wetland habitat. The development must meet the following conditions:

- a. Diking, dredging and filling shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
- b. Diking, dredging and filling shall be limited to the smallest area feasible that is necessary to accomplish the project.
- c. Designs for diking, dredging and filling and excavation projects shall include protective measures such as silt curtains, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills and unnecessary dispersal of silt materials.

Dredge spoils shall not be deposited in areas where public access or environmental habitats would be significantly or adversely affected. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore currents. Limitations may be necessary on the timing of the operation, the type of operations and the quality and location of the spoils site.

Other mitigation measures are required under Section 30607.1. Where any dike fill development is permitted in wetlands in conformity with Chapter 3 of the Coastal Act, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided however, that if no appropriate restoration site is available an in-lieu fee sufficient to provide an area of equivalent productive value or surface area shall be dedicated to an appropriate public agency or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence or financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 14: Mosquito Abatement Practices

Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Biological control measures are encouraged. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 15: Vehicle Traffic in Wetlands

No vehicle traffic shall be permitted in wetlands. This shall not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland. Pedestrian traffic shall be regulated and incidental to the permitted uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 16: Adjacent Development

Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 17: Wetland Buffer

In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots. If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.

The minimum buffer strip may be adjusted by the county if the minimum setback standard would render the parcel physically unusable for the principal permitted use. To allow a reduction in the minimum standard set-back, it must be found that the development cannot be designed to provide for the standard. When such reductions are permitted, the minimum standard shall be reduced to only the point at which the principal permitted use (development), modified as much as is practical from a design standpoint, can be accommodated. At no point shall this buffer be less than 25 feet. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 18: Wetland Buffers Less than 100 Feet

For buffers less than 100 feet as established consistent with Policy 15 (above) mitigation measures to ensure wetland protection shall be required, and shall include (where applicable) vegetative screening, landscaping with native vegetation, drainage controls and other such measures.

When the minimum buffer strip is adjusted by the county, it shall be done on a case-by-case basis only after the investigation of the following factors:

- a. Soil type and stability of development site, including susceptibility to erosion.
- b. Slope of land adjacent to the wetland and the ability to use natural topographic features to locate development.

- c. Types and amount of vegetation and its value as wildlife habitat including: 1) the biological significance of the adjacent lands in maintaining the functional capacity of the wetland, and 2) the sensitivity of the species to disturbance.
- d. Type and intensity of proposed uses.
- e. Lot size and configuration, and the location of existing development.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 19: Open Space Easement for Wetlands

Open space easements or offers to dedicate the wetland shall be a condition of major structural development (including single-family residence) for all property larger than one acre which contain wetlands habitat. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

C. COASTAL STREAMS

Coastal streams directly affect the coastal environment. They significantly influence flooding, natural ecosystems, sediment transport, agricultural water supply and groundwater recharge within the coastal zone. There are numerous coastal streams within San Luis Obispo County, both perennial (running year round) and ephemeral (during the rainy season only) as identified as dotted or dashed lines on USGS quadrangle maps.

Degradation of coastal streams results from many causes, including stream channelization, water diversion and intensive land uses adjacent to and within the watershed of streams. A major concern of the Coastal Act is to prevent unnecessary stream alterations and projects which significantly increase sedimentation.

The Coastal Act identifies coastal streams as environmentally sensitive habitat areas and requires that their biological productivity and quality be protected. Stream alterations are limited to water supply projects, flood control projects when there are no other methods available for protecting existing development and projects for improvement of fish and wildlife habitat. Any alteration must employ the best mitigation measures feasible. In Section 30603, the Coastal Commission retains appeal authority after certification of the Local Coastal Plan for any development approved by the county within 100 feet of any stream.

Riparian vegetation plays an important role in the coastal stream environment, acting as a filter to remove sediment before it reaches the stream. By shading the stream, riparian vegetation keeps the water's temperature within a narrow range. This is important to many fish species, especially for steelhead trout which require a fairly constant water temperature. The interaction of the stream environment with the surrounding streamside riparian vegetation makes it necessary to provide as much protection as possible for this vegetation. The United States Fish and Wildlife Service in cooperation with the California Department of Fish and Game are currently mapping riparian vegetation within the coastal zone.

Anadromous fish are those that move from the oceans into fresh waters to reproduce. An important recreation species, the steelhead rainbow trout, have suffered a marked decline within this county. San Luis Obispo County is the southern-most area in the State where runs still occur. Since the steelhead trout has undergone marked declines and current data was inadequate to ensure proper management of the resource, a special study was undertaken to survey six coastal streams--representing a cross section of stream conditions and impacts. The study identified specific activities impinging upon the steelhead streams including modification of riparian vegetation, de-watering and impoundment, channelization and agricultural/urban developments. The loss of riparian vegetation is the consequence of channelization (Arroyo Grande Creek), urban intrusion (Santa Rosa, Arroyo Grande, and Morro Creeks) and agricultural appropriation (all streams).

Streams and creeks are sensitive areas. Development activity within and adjacent to a watercourse has profound effects on stream hydrology and water quality. To ensure protection of the coastal stream environment, a variety of resource management techniques are available. Since fee simple acquisition would not be practical, current protection is afforded by permit requirements.

Development Permits. Sections 1601 and 1603 of the California Fish and Game Code require that any party planning any significant (for private parties) streambed alteration reach an agreement with the California Department of Fish and Game. Section 5650 of the Code also makes it unlawful to place in or allow to pass into any stream any material deleterious to fish, plant life or birdlife. Under Section 404 of the Federal Water Pollution Control Act, the Army Corps of Engineers has permit control over filling in or modification of most of our coastal streams. Under Section 208 of this same act, the California Regional Water Quality Control Board is given permit authority over most types of discharge into coastal streams. A special study has been completed for the regional board to implement Section 208 in regard to nonpoint pollution sources. Specifically, this study identified county water bodies where sedimentation has become a problem.

Land Use. The county's major role in protection of the stream environment has been control over development of adjacent land uses and within the watershed.

The following policies provide protection for coastal stream habitats:

Policy 20: Coastal Streams and Riparian Vegetation

Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 21: Development in or Adjacent to a Coastal Stream

Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 22: Fish and Game Review of Streambed Alterations

Significant streambed alterations require the issuance of a California Department of Fish and Game 1601-1603 agreement. The Department should provide guidelines on what constitutes significant streambed alterations so that the county and applicants are aware of what is considered a "significant" streambed alteration. In addition, streambed alterations may also require a permit from the U.S. Army Corp of Engineers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 23: County and State Review of Coastal Stream Projects

The State Water Resources Control Board and the county shall ensure that the beneficial use of coastal stream waters is protected, for projects over which it has jurisdiction. For projects which do not fall under the review of the State Water Resources Control Board, the county (in its review of public works and stream alterations) shall ensure that the quantity and quality surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of streams, wetland, estuaries and lakes. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 24: Program to Control Grazing Impacts

As recommended in the conclusions of the stream survey study, the California Department of Fish and Game may institute a pilot program on publicly owned land utilizing fencing and sediment basins to control grazing impacts on riparian vegetation and costal streams. If the project is successful, the Department of Fish and Game shall institute a voluntary program providing funds to interested local ranchers who wish to utilize this program. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 25: Streambed Alterations

Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal development permit. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 26: Riparian Vegetation

Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. This policy does not apply to agricultural use of land where expanding vegetation is encroaching on established agricultural uses. Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads. Riparian vegetation shall not be removed to increase agricultural acreage unless it is demonstrated that no impairment of the functional capacity of the habitat will occur. Where permitted, such actions must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 27: Stream Diversion Structures

Stream diversion structures on streams appearing as dotted or dash lines on the largest scale U.S.G.S. quadrangle maps shall be sited and designed to not impede up and downstream movement of native fish or to reduce stream flows to a level which would significantly affect the biological productivity of the fish and other stream organisms. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 28: Buffer Zone for Riparian Habitats

In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

D. TERRESTRIAL ENVIRONMENTS

Terrestrial environments within San Luis Obispo County's coastal zone include unique plant habitats and rare and endangered animal habitats. Unique plant habitats include endemics (only found in one place) plant species, endangered plant species and representative natural plant communities. Those species that have been identified as rare or endangered, or their habitats, are discussed.

The high ecological value of these areas is reflected by the fact that most are within public holdings. All these areas (whether in public or private holdings) are also sensitive to disturbance by man's activities. Management techniques available are:

1. **Fee Simple Acquisition.** Many designated areas have been acquired through this method and it is still the most desired resource management technique available.
2. **Easements.** As described under wetlands, there are open space easements or Williamson Act contracts available for preservation of habitat areas within this county.
3. **Development Permits.** The county has established a review process for impacts to designated wildlife or vegetation habitat areas in the CZLUO. They are mapped as terrestrial habitats on the LUE combining designation maps.

Under the 1973 Endangered Species Act, the federal government will not allow federal funding for any project that will adversely impact designated species. Within the coastal zone this would specifically relate to the designated Morro Bay Kangaroo Rat habitat area located west of Pecho Road in South Bay, though it would also relate to several bird species with extensive habitat areas within the county.

The California Department of Fish and Game currently exercises control over designated critical habitat areas for rare or endangered wildlife species.

This applies to the designated Morro Bay Kangaroo Rat habitat in South Bay. The Department of Fish and Game also designates rare or endangered plant species. Since the program has just begun, there are currently no designated plant species within this county. For designated plant species, the Department of Fish and Game must be contacted concerning development that would adversely impact the plant species for development of mitigation measures. As plant species and habitat areas are recognized through this program, protection should be extended.

4. **Resource Protection Zones.** The Coastal Act required state agencies with property within the coastal zone to develop and recommend Resource Protection Zones (RPZs) identifying adjoining properties where development could adversely impact their holdings. For San Luis Obispo County, this specifically pertained to holdings of the State Department of Parks and Recreation and the Department of Fish and Game. Though this section of the Coastal Act was subsequently amended, the conversations between the appropriate staffs and the Local Coastal Program staff has served to bring to the county's attention the agency's concerns.

The following policies related to protection of identified terrestrial habitats within the coastal zone:

Policy 29: Protection of Terrestrial Habitats

Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

Policy 30: Protection of Native Vegetation

Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

Policy 31: Design of Trails In and Adjoining Sensitive Habitats

San Luis Obispo County, or the appropriate public agency, shall ensure that the design of trails in and adjoining sensitive habitat areas shall minimize adverse impact on these areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 32: Public Acquisition

The California Department of Parks and Recreation, Department of Fish and Game and other public and private organizations should continue to acquire or accept offers-to-dedicate for sensitive resource areas wherever possible. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 33: Agriculture and Open Space Preserves

The county should encourage the uses of Agriculture Preserves or Open Space Preserves to protect sensitive habitat areas where public acquisition is not feasible. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT AS A PROGRAM.]

Policy 34: Rare and Endangered Species Survey

The State Department of Fish and Game should continue to identify rare or endangered plant and animal species within the county. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 35: Protection of Vegetation

Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

Policy 36: Protection of Dune Vegetation

Disturbance or destruction of any dune vegetation shall be limited to those projects which are dependent upon such resources where no feasible alternatives exist and then shall be limited to the smallest area possible. Development activities and uses within dune vegetation shall protect the dune resources and shall be limited to resource dependent, scientific, educational and passive recreational uses. Coastal dependent uses may be permitted if it can be shown that no alternative location is feasible, such development is sited and designed to minimize impacts to dune habitat and adverse environmental impacts are mitigated to the maximum extent feasible.

Revegetation with California native plant species propagated from the disturbed sites or from the same species at adjacent sites shall be necessary for all projects. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 37: Recreational Off-Road Vehicle Use of Nipomo Dunes

Within designated dune habitats, recreational off-road vehicle traffic shall only be allowed in areas identified appropriate for this use. Detailed recommendations concerning protection of the dune habitat within Pismo State Beach and Pismo Vehicular Recreation area are found in the chapter regarding Recreation and Visitor-Serving Facilities. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

E. MARINE HABITATS

Marine habitats include rocky points, near-shore reefs, rocky intertidal areas, offshore rocks and kelp beds. These near and onshore areas provide habitat for marine birds, mammals, fish and invertebrates. The Coastal Act requires that the biological productivity and the quality of coastal waters appropriate to maintain optimum populations of marine organisms be maintained and that habitat areas be enhanced and, where feasible, restored. While these habitat areas are sensitive to disturbance, they have, for the most part, suffered very little degradation. Three potential impacts that might adversely affect these resources are: increased coastal access, offshore drilling and expanded marine terminal facilities. Since much of the sensitive marine habitat areas are already within state holding, protection for these areas from other potential impacts are readily available.

Recreational or commercial harvesting of any marine species is strictly controlled by the Fish and Game Code. Marine mammals are protected by the Marine Mammal Protection Act of 1972. In addition, the Endangered Species Act provides special protection to those species identified as threatened or endangered and includes the California Sea Otter and the Gray Whale. Under the Federal Water Pollution Control Act, the Regional Water Quality Control Board has authority over any waste discharge into coastal waters. The county's principal role in protection of marine habitats includes control of access and regulation of development adjacent to these areas.

The following policies relate to protection of marine habitat areas along the coast:

Policy 38: Protection of Kelp Beds, Offshore Rocks, Rocky Points, Reefs and Intertidal Areas

Uses shall be restricted to recreation, education and commercial fishing. Adjacent development shall be sited and designed to mitigate impacts that would be incompatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 39: Siting of Shoreline Structures

Shoreline structures, including piers, groins, breakwaters, seawalls and pipelines, shall be designed or sited to avoid and minimize impacts on marine habitats. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.178 OF THE CZLUO.]

Policy 40: Shoreline Access Consistent with Habitat Protection

Coastal access shall be monitored and regulated to minimize impacts on marine resources. If negative impacts are demonstrated, then the appropriate agency shall take steps to mitigate these impacts, including limiting the use of coastal access. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.178 AND 23.04.420j OF THE CZLUO.]

Policy 41: Habitat Signs

The appropriate agency (in conjunction with the county Fish and Game Commission) should provide signs indicating that collecting from tide pools, etc., is illegal. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 42: Marine Sanctuary Designation

The county should continue to investigate whether appropriate offshore areas should be nominated for Marine Sanctuary Designation. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

CHAPTER 7: AGRICULTURE

POLICIES FOR AGRICULTURE

In light of the Coastal Act policies and present agricultural use within the coastal zone, the following policies will guide development in and adjacent to agricultural areas. San Luis Obispo County recognizes the importance of agriculture to the economy and welfare of the county. Over 65% of the coastal zone is identified for continued agricultural use with an additional proportion of the large state parks and recreation holdings retained in agricultural use.

Policy 1: Maintaining Agricultural Lands

Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban uses.

Permitted Uses on Prime Agricultural Lands. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

Permitted Uses on Non-Prime Agricultural Lands. Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non-agricultural soils, that the least amount on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Divisions of Land

Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance. Land divisions for prime agricultural soils shall be based on the following requirements:

- a. The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the agricultural economy would not be diminished.
- b. The creation of new parcels whose only building site would be on prime agricultural soils shall be prohibited.
- c. Adequate water supplies are available to maintain habitat values and to serve the proposed development and support existing agricultural viability.

Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished. Division of non-prime agricultural soils shall be reviewed on a case-by-case basis to ensure maintaining existing or potential agricultural capability.

(This may lead to a substantially larger minimum parcel size for non-prime lands than identified in the Coastal Zone Land Use Ordinance. Before the division of land, a development plan shall identify parcels used for agricultural and non-agriculture use if such uses are proposed. Prior to approval, the applicable approval body shall make a finding that the division will maintain or enhance agriculture viability.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Non-Agricultural Uses

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.

Non-agricultural developments shall meet the following requirements:

- a. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.
- b. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.
- c. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.
- d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.
- e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.
- f. Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.

- g. Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.
- h. The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use by the following methods:

Agricultural Easement. The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.

Open Space Easement. The applicant shall grant an open space easement to the county over all lands shown on the site plans as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.

Development proposals shall include the following:

- a. A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).
- b. A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.
- c. A demonstration that the proposed development is sited and designed to protect habitat values and will be compatible with the scenic, rural character of the area.
- d. Proposed development between the first public road and the sea shall clearly indicate the provisions for public access to and along the shoreline consistent with LUP policies for access in agricultural areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050 OF THE CZLUO.]

Policy 4: Siting of Structures

A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050a. OF THE CZLUO.]

Policy 5: Urban-Rural Boundary

To minimize conflicts between agricultural and urban land uses, the urban service line shall be designated the urban-rural boundary. Land divisions or development requiring new service extensions beyond this boundary shall not be approved. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.432 AND 23.04.021 OF THE CZLUO.]

Policy 6: Lot Consolidation

In some portions of the coastal zone where historical land divisions created lots that are now sub-standard, the Land Use Element shall identify areas where parcels under single contiguous ownership shall be aggregated to meet minimum parcel sizes as set forth in the Coastal Zone Land Use Ordinance. This is particularly important for protection of prime agricultural lands made up of holdings of small lots, that would not permit continued agricultural use if sold individually. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 7: Water Supplies

Water extractions consistent with habitat protection requirements shall give highest priority to pre-serving available supplies for existing or expanded agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 8: Agricultural Practices

Proper soil conservation techniques and grazing methods should be encouraged in accordance with 208 Water Quality Standards adopted to meet the water quality requirements of the California Regional Water Quality Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 9: Aquaculture

Opportunities for development or expansion of aquaculture activities may be appropriate in non-prime agricultural areas. Development plan review is required to determine compatibility with agricultural and other surrounding uses. (See also Coastal-Dependent Policy 22 in the Industry/Energy Chapter.) [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.045 OF THE CZLUO.]

Policy 10: Definition of Nursery Specialty (Green-House) Uses

Soil-dependent greenhouse shall be defined as: a) those greenhouse uses which require location on prime soils in order to obtain growing medium; b) do not require impervious surfaces to cover the prime soils (i.e., concrete, asphalt, wood) or otherwise render soils unusable after discontinuance of use.

Non-soil dependent greenhouses or nurseries shall be defined as: a) those greenhouses which can be established on flat or gently sloping land with less than 15% slope; b) do not require location on prime soils native to the site as a growing medium (i.e., do not use native soils to grow plants); c) development may require the use of impervious flooring (i.e., concrete, asphalt, wood).

Soil-dependent greenhouses and nurseries are an allowable use on prime agricultural soils and a permitted use on non-prime soils and shall be subject to development plan approval. Prior to issuance of a development permit, the county shall make the finding based on information provided by environmental documents, staff analysis and the applicant that all significant adverse impacts of the development, as addressed in the following standard, consistent with other applicable agricultural policies of this section, have been identified and mitigated.

- a. The county shall prohibit greenhouses on slopes greater than 15%.
- b. The county shall require on-site mitigation of adverse impacts for greenhouses located in or adjacent to urban areas. These may include landscape buffers, mitigation of noise and dust, etc.

- c. The county shall encourage new or expanded greenhouse operations to practice water and energy conservation by one or more of the following methods: 1) recycling of irrigation water; 2) use of drip irrigation systems; 3) construction of small off-stream water reservoirs for water use during summer months; 4) passive solar or open ventilation systems; and 5) other methods acceptable to the county.

Non-soil dependent greenhouse and nursery development are an allowable use on non-prime agricultural soils consistent with the standards described in Policy 7 and shall be subject to development plan approval. Prior to issuance of a development permit, the county shall make the finding based on information provided by environmental documents, staff analysis and the applicant, that all significant adverse impacts of the development as addressed in the following standards, consistent with applicable agricultural policies of this section, have been identified and mitigated:

- a. The county shall require impoundments of runoff so that the total runoff shall not be greater than if the site were uncovered, unless the applicant can demonstrate that increased runoff will not cause erosion and damage or be otherwise detrimental to downstream property owners.
- b. The county shall require that runoff containing fertilizers or pesticides be stored on-site and not released to any perennial or intermittent streams, but disposed of according to standards established by the U.S. Environmental Protection Agency and the State/Regional Water Quality Control Board.
- c. The county shall prohibit the use of herbicides or soil sterilants under any asphalt or concrete paving installed as part of a greenhouse/nursery development.
- d. The county shall prohibit greenhouses/nurseries on slopes greater than 15%.
- e. The county shall require on-site mitigation of adverse impacts for greenhouses/nurseries located in or adjacent to urban areas. These may include landscape buffers, mitigation of noise and dust, etc.
- f. The county shall encourage new or expanded greenhouse/ nursery operations to practice water and energy conservation by the methods discussed under development of soil- dependent greenhouses. (Section c. above)

Development Standards for Greenhouses and Nurseries. Development of greenhouses and nurseries shall comply with the setback and landscaping/screening requirements of the Land Use Ordinance except that a 50 foot setback shall be maintained from any street and a minimum of 100 feet from any existing residence on a neighboring property.

Landscaping and screening shall be installed within 60 days of completion of the greenhouses, nurseries or accessory buildings. Such landscaping shall not interfere with solar access and shall reasonably block the view of the greenhouse/nursery structures and parking areas from the nearest public road(s) within three years of project completion. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO THE FOLLOWING SECTIONS OF THE COASTAL ZONE LAND USE ORDINANCE: SECTION 23.11 (DEFINITION OF GREENHOUSES); SECTION 23.08.054 (STANDARDS); SECTION 23.08.041 (SETBACKS)]

Policy 11: Agriculture Use in State Parks

In processing State Park and Recreation development plans and projects for park units within the coastal zone, the county shall require that: 1) the development retain the maximum amount of agricultural soils (prime and non-prime) in agricultural production within each State Park unit; b) the Department provide site specific justification for removing agricultural soils (prime and non-prime) from production or for not offering lands capable of farm production for lease. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Access in Agricultural Areas

Consistent with other applicable LCP access policies which provide for access dedications, the county shall require at the time a Coastal Development permit is processed, the establishment of vertical and/or lateral access to the beach for which no established vertical or lateral access exists. The county shall close undeveloped trails which are hazardous or conflict with existing agricultural operations and when an alternative safe, existing or potential access is available for the same beach. Access trails shall be located on agriculturally unsuitable land to the greatest extent possible. Where it is not possible to locate access on agriculturally unsuitable land, trails shall be located at the edge of the field and/or along parcel lines that would not significantly disrupt the agricultural operations.

Improvements and management of accessways shall be provided in agricultural areas adequate to avoid adverse impacts on, and protect the productivity of, adjacent agricultural soils. Improvement and management practices shall include, but not be limited to, the following:

- a. Limit the seasons of the year when public access is permitted by using seasonal barriers and signs; and
- b. Develop access trails with fences or other buffers to protect agricultural lands.

Consistent with the access section of the CZLUO access requirements may be waived if it can be conclusively demonstrated that the adverse impacts on agricultural operations are substantial and cannot be feasibly mitigated. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

CHAPTER 8: PUBLIC WORKS

POLICIES FOR PUBLIC WORKS

The following public works policies address and implement Coastal Act provisions concerning public services and capacities.

Policy 1: Availability of Service Capacity

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:

- a. It can be serviced by adequate private on-site water and waste disposal systems; and
- b. The proposed development reflects that it is an environmentally preferable alternative.

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.021c (DIVISIONS OF LAND), 23.04.430 AND 23.04.432 (OTHER DEVELOPMENT) OF THE CZLUO.]

[Amended 2004, Ord. 3006]

Policy 2: New or Expanded Public Works Facilities

New or expanded public works facilities shall be designed to accommodate but not exceed the needs generated by projected development within the designated urban reserve lines. Other special contractual agreements to serve public facilities and public recreation areas beyond the urban reserve line may be found appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.430 OF THE CZLUO.]

Policy 3: Special Districts

The formation or expansions of special districts shall not be permitted where they would encourage new development that is inconsistent with the Local Coastal Program. In participation on LAFCo actions, the county should encourage sphere-of-influence and annexation policies which reflect the Local Coastal Program. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 4: Urban Service Line Amendments

Amendments to an urban service line must be found consistent with the Coastal Act and the Local Coastal Program. Approval of LCP amendment by the Coastal Commission or its successor in interest is required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Capital Improvement Projects

To fully realize the potential of all capital improvement projects, the county will institute a coordinated capital improvement review process. Special districts and other governmental entities within the coastal zone shall:

- a. Be encouraged to annually prepare a report on current service capabilities, including existing levels of service and present or proposed service capacities.
- b. Be encouraged to prepare a list of proposed public works recommended for planning, initiation or construction during future years in accordance with the requirements of the Capital Improvement Program Guidelines.
- c. Submit proposed construction projects recommended for the ensuing fiscal year to the county for review, comment and findings as to the conformity of proposed projects with the Coastal Plan.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 6: Resource Management System

The county will implement the Resource Management System to consider where the necessary resources exist or can be readily developed to support new land uses. Permitted public service expansions shall ensure the protection of coastal natural resources including the bio- logical productivity of coastal waters. In the interim, where they are identified public service limitations, uses having priority under the Coastal Act shall not be precluded by the provision of those limited services to non-priority uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 7: Permit Requirements

The county shall require a permit for all public works projects located within the coastal zone except:

- a. For maintenance or repair activities that do not result in an enlargement or expansion of the facility.
- b. Where the development is a state university, college, public trust lands or tidelands (which require a permit from the State Coastal Commission that must meet the requirements of Chapter 3 of the Coastal Act. The county Local Coastal Program will serve in an advisory function).
- c. For those minor projects that can be categorically exempted as provided for in the Coastal Act on account of geographic area or function per Section 30610(e) where the categorical exclusions has been approved by the county and Coastal Commission.
- d. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided that the county may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources including scenic resources.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO CHAPTER 23.03 OF THE CZLUO.]

Policy 8: Priority Development

Where existing or planned public works facilities can accommodate only a limited amount of new development, the following land uses shall have priority for services in accordance with the Coastal Act and be provided for in the allocation of services in proportion to their recommended land use within the service area.

- a. Uses which require location adjacent to the coast (coastal-dependent uses).
- b. Essential public services and basic industries vital to the economic health of the region, state or nation including agriculture, visitor-serving facilities and recreation.

Priority for development of such uses shall be given to lands within the USL that are already subdivided with services available and then to unsubdivided parcels within the USL with services available. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 9: Review of Treatment Works

For any development that constitutes a treatment works (PRC 30120), issuance of a permit shall be consistent with the certified LCP and PRC 30412 and shall address the following aspects of such development:

- a. The siting and visual appearance of treatment works within the coastal zone.
- b. The geographic limits of the service area within the coastal zone which is to be served by the treatment works and the timing of the extension of services to allow for phasing of development consistent with the certified LCP.
- c. Projected growth rates used to determine the sizing of treatment works.

[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 10: Encouraging Development within the Urban Services Line

During the periodic update of the Local Coastal Program, including area plan updates, the County and California Coastal Commission should require new or expanded urban development to be located within the Urban Services Line (USL) of coastal communities. The USL defines areas where the capital improvement program and community plans should schedule extensions of public services and utilities needed for urban development. Proposals to increase urban density or intensity of urban land uses outside of the USL should be discouraged. Other non-regulatory methods to encourage infilling of development within communities may include greenbelt programs, transfer of development credits programs, agricultural conservation easements, and open space initiatives. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004, Ord. 3006]

CHAPTER 9: COASTAL WATERSHEDS

POLICIES FOR COASTAL WATERSHEDS

To implement the provisions of the Coastal Act regarding watershed management, the following policies represent a commitment that all new development ensure watershed protection.

Policy 1: Preservation of Groundwater Basins

The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Water Extractions

Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health. (Public works projects are discussed separately.) [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Monitoring of Resources

In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 8.40.065 OF THE COUNTY CODE (WATER WELL REGULATIONS).]

Policy 4: Chorro and Morro Basins

The county and the city of Morro Bay will jointly develop a groundwater management program which provides for agricultural demand and for phased urban growth consistent with available groundwater resources and with the protection of aquatic habitats. The Chorro and Morro groundwater basins have been identified as experiencing potential for seawater intrusion, usually during drought conditions. Development of a successful groundwater management program for these basins necessitates coordinating both urban and agricultural/rural extractions. The city of Morro Bay has completed an investigation of the groundwater capacity of these basins. (*City of Morro Bay, Preliminary Water Management Plan*, February, 1981.) This includes the evaluation of existing and potential agricultural demand. A variety of management techniques are suggested, including development of recharge basins, well site relocations and use of reclaimed water to satisfy agricultural demands.

In the interim, before development of a management program, to ensure that agricultural and residential demand doesn't negate the alternative management strategies, or adversely impact aquatic habitats, all development which would cause an intensification of groundwater use in the basins shall be evaluated for conformity with the recommended management techniques and the protection of aquatic habitats. This will apply where a development project would require more than one acre-foot of water annually.

A county/city program shall be established which would result in the following:

- a. Referral of any division of land, permit activity or grading in the Morro and Chorro watershed within the city of Morro Bay's Sphere of Influence, as contained in the coastal zone boundary, to the city for review and comment.
- b. Consideration of "Best Management Practices" during the review of permit application on agricultural parcels or parcels suitable for agricultural use in order to control agricultural practices that would result in sedimentation, contamination of the groundwater basin, misuse of water resources or otherwise adversely affect the groundwater basins.
- c. Water basin management planning in cooperation with other affected agencies.

[THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM EXCEPT THAT PARAGRAPH 2 SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Los Osos Groundwater Management

The county Planning and Engineering Departments should work with communities, property owners and the Regional Water Quality Control Board to develop and implement a basin-wide water management program for the Los Osos groundwater basin which addresses:

- existing and potential agricultural demand,
- urban expansion in relation to water availability,
- groundwater quality,
- possible need for alternative liquid waste disposal,
- protection of aquatic habitats including coastal waters, streams and wetlands.

The Resource Management System of the Land Use Element provides a framework for implementing this policy and an interim alert process for timely identification of potential resource deficiencies, so that sufficient lead time is allowed for correcting or avoiding a problem. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 6: Priority for Agriculture Expansion

Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 7: Siting of New Development

Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except:

Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent;

When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative;

The county may approved grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO COASTAL ZONE LAND USE ORDINANCE SECTIONS: 23.05.034 (GRADING) AND 23.04.021 (LAND DIVISIONS).]

Policy 8: Timing of Construction and Grading

Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 9: Techniques for Minimizing Sedimentation

Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 10: Drainage Provisions

Site design shall ensure THAT drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

Policy 11: Preserving Groundwater Recharge

In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Agricultural Practices

Agricultural practices shall minimize erosion and sedimentation through accepted management practices that aid soil conservation. The Soil Conservation Service should be encouraged to continue education programs regarding soils management. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 13: Vegetation Removal

Vegetation clearance on slopes greater than 30% in geologically unstable areas or on soils rated as having severe erosion hazards shall require an erosion and sedimentation control plan. Stream vegetation removal is discussed in greater detail in the Sensitive Habitat chapter. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 14: Soil Conservation Techniques

Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance with the 208 water quality standards adopted by the California Water Quality Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

CHAPTER 10: VISUAL AND SCENIC RESOURCES

POLICIES FOR VISUAL AND SCENIC RESOURCES

Policy 1: Protection of Visual and Scenic Resources

Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Site Selection for New Development

Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Stringline Method for Siting New Development

In a developed area where new construction is generally infilling and is otherwise consistent with Local Coastal Plan policies, no part of a proposed new structure, including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjoining structures; except where the shoreline has substantial variations in landform between adjacent lots in which case the average setback of the adjoining lots shall be used. At all times, this setback must be adequate to ensure geologic stability in accordance with the policies of the Hazards chapter. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.118 OF THE CZLUO.]

Policy 4: New Development in Rural Areas

New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.021 OF THE CZLUO.]

Policy 5: Landform Alterations

Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

Policy 6: Special Communities and Small-Scale Neighborhoods

Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO CHAPTER 23.11 (DEFINITIONS) OF THE CZLUO.]

Policy 7: Preservation of Trees and Native Vegetation

The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.064 OF THE CZLUO.]

Policy 8: Utility Lines within View Corridors

Where feasible, utility lines within public view corridors should be placed underground whenever their aboveground placement would inhibit or detract from ocean views. In all other cases, where feasible, they shall be placed in such a manner as to minimize their visibility from the road. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE CZLUO.]

Policy 9: Signs

Prohibit off-premise commercial signs except for seasonal, temporary agricultural signs. Design on-premise commercial signs as an integral part of the structure they identify and which do not extend above the roofline. Information and direction signs shall be designed to be simple, easy-to-read and harmonize with surrounding elements. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.306, 23.04.310, AND 23.04.312 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Policy 10: Development on Beaches and Sand Dunes

Prohibit new development on open sandy beaches, except facilities required for public health and safety (e.g., beach erosion control structures). Limit development on dunes to only those uses which are identified as resource dependent in the LCP. Require permitted development to minimize visibility and alterations to the natural landform and minimize removal of dune stabilizing vegetation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 11: Development on Coastal Bluffs

New development on bluff faces shall be limited to public access stairways and shoreline protection structures. Permitted development shall be sited and designed to be compatible with the natural features of the landform as much as feasible. New development on bluff tops shall be designed and sited to minimize visual intrusion on adjacent sandy beaches. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

CHAPTER 11: HAZARDS

POLICIES FOR HAZARDS

Based on the information summarized in the draft background report, the following policies and standards will guide the kinds, locations and intensities of development in hazardous areas of the coastal zone.

Policy 1: New Development

All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Erosion and Geologic Stability

New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086 OF THE CZLUO.]

Policy 3: Development Review in Hazard Areas

The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]

Policy 4: Limitations on the Construction of Shoreline Structures

Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for:

- a. protection of existing development (new development must ensure stability without depending upon shoreline protection devices);
- b. public beaches and recreation areas in danger of erosion;
- c. coastal dependent uses;
- d. existing public roadway facilities to public beaches and recreation areas where no alternative routes are feasible.

These structures shall be permitted provided they are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, fish and wildlife provided that non-structural methods (e.g., artificial nourishment) have been proven to be infeasible or impracticable.

Shoreline structures include revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls and other such structures that alter natural shoreline processes. Retaining walls shall be permitted only where necessary to stabilize bluffs where no less environmentally damaging alternative exists or where necessary for those projects defined above. Where shoreline structures are necessary to serve the above, siting shall not preclude public access to and along the shore and shall be sited to minimize the visual impacts, erosive impacts on adjacent unprotected property, encroachment onto the beach and to provide public overlooks where feasible and safe. The area seaward of the protective devices shall be dedicated for lateral public access. The protective devices shall utilize materials which require minimum maintenance and shall specify within the plans the agencies or persons responsible for maintenance.

In addition to county review, most shoreline structures require review by federal and state agencies. These may include permits required by the federal Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Department of Fish and Wildlife, California Regional Water Quality Control Board, State Lands Commission, California Coastal Commission, etc. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 5: Design and Construction of Shoreline Structures

Shoreline structures developed consistent with Policy 4 (including projects for maintenance and repair) shall be designed and constructed to mitigate or eliminate effects on local shoreline sand movement and supply. Construction activities shall be carefully managed to minimize unnecessary effects on natural landforms and shoreline processes. Upland grading and drain- age shall be designed and constructed to avoid adverse impacts on bluff lines by channeling drainage away from the bluff where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.090 OF THE CZLUO.]

Policy 6: Bluff Setbacks

New development or expansion of existing uses on bluffs shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures which would require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period. Specific standards for the content of geologic reports are contained in the Coastal Zone Land Use Ordinance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.118 OF THE CZLUO.]

Policy 7: Geologic Study Area Combining Designation

The GSA combining designation in coastal areas of the county is amended to include all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the *Assessment and Atlas of Shoreline Erosion* (DNOD, 1977) as being critical to future or present development. Maps clearly distinguish the different geologic and seismic hazards which the county covers by the GSA combining designation. These hazards shall include steep slopes, unstable slopes, expansive soils, coastal cliff and bluff instability, active faults, liquefaction and tsunamis. [THIS POLICY SHALL BE IMPLEMENTED BY DESIGNATING GSA AREAS ON THE COMBINING DESIGNATION MAPS AND PURSUANT TO SECTION 23.07.080 OF THE CZLUO.]

Policy 8: Coastal Access and Pipelines

New development shall not be permitted on the bluff except where public access or pipelines for coastal dependent uses are necessary and no feasible alternative exists. Pipeline design shall be adequate to ensure pipeline integrity considering wave action and bluff erosion. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.08.284 OF THE CZLUO.]

Policy 9: High Fire Risk Areas

Fire hazard areas shall be defined as those having potential for catastrophic fire. The county shall designate and show on the Hazards maps those high risk fire areas as delineated by the State Division of Forestry.

New residential development in high risk fire areas shall be required to be reviewed and conditioned by the Fire Warden to ensure that building materials, access, brush clearings and water storage capacity are adequate for fire flow and fire protection purposes. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.082 OF THE CZLUO.]

Policy 10: Emergency Provisions

The requirements for obtaining a Land Use Permit may be waived in case of emergency as provided for in the Coastal Zone Land Use Ordinance.

The County shall seek grant funding and develop a program to facilitate improved coordination and emergency permit processing, including preparation of an Emergency Permit Procedure Manual. The County shall also initiate a process to identify areas that are susceptible to emergency situations (e.g., the flood plain along Arroyo Grande Creek), and to prepare Emergency Prevention Implementation Plans for these areas focusing on methods for avoiding emergencies. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM AND PURSUANT TO CHAPTER 23.03 OF THE COASTAL ZONE LAND USE ORDINANCE.]

[Amended 2004, Ord. 3006]

Policy 11: Areawide Shoreline Erosion and Bluff Retreat Management Plan

The County should seek grant funding and develop a program with a long-term comprehensive approach to avoid the permanent armoring of the shoreline or to minimize impacts to shoreline in existing developed areas. The program should also offer a means to address some area specific constraints. This includes the preparation of an Areawide Shoreline Erosion and Bluff Retreat Management Plan focusing on annual bluff erosion rates, bluff setbacks, emergency armoring procedures, shoreline protection standards, structural design, engineering, monitoring and maintenance. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004, Ord. 3006]

Policy 12: Geologic Hazards Mapping

As part of the periodic update of an area plan, the draft plan shall include development of a dynamic Geologic Hazards Map consistent with the Safety Element and updated geologic information. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

[Added 2004, Ord. 3006]

CHAPTER 12: ARCHAEOLOGY

POLICIES FOR ARCHAEOLOGICAL RESOURCES

Because archaeological resources are scarce and non-renewable resources, the following general policies represent the county's commitment to ensure that any proposed development would be designed and located to minimize its impacts on archaeological resources:

Policy 1: Protection of Archaeological Resources

The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Vandalizing of Resources

Activities other than development, which could damage or destroy archaeological sites, including off-road vehicle use on or adjacent to known sites and unauthorized collecting of artifacts, shall be prohibited. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Identification of Archaeological Sites

The county shall establish and maintain archaeological site records of data files about known sites. These sensitive areas shall be defined as follows:

- Within rural areas, the county maintains on file a parcel number list of known sites as prepared and updated by the California Archaeological Site Survey Office.
- Within urban areas, the county shall maintain maps in the Land Use Element (combining designation) which reflect generalized areas of known sites. These maps shall be prepared by the California Archaeological Site Survey Regional Office.

Specific archaeological site information shall be treated as confidential to protect the archaeological resources. Development within an archaeological sensitive areas shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Early information on sensitive sites where new development is anticipated can be used to design and locate structures and site alterations to eliminate impacts. A preliminary archaeological survey can also help facilitate the timing of construction: if there is no evidence of the potential existence of archaeological resources, construction can commence; if the preliminary survey does indicate the presence of archaeological resources, mitigation measures can be designed into the development.

Early identification can save both time and money for the applicant. Concerns have been raised by previous applicants about the expense and time-consuming delay if a project is stopped. Work crews, equipment and capital remain suspended until mitigation measures are drafted. Although all construction must cease if a site is discovered during any phase of construction, a preliminary survey can usually determine the potential extent of resources and thus avert unnecessary delays through an appropriate mitigation plan.

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas

Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

- a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.
- b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.
- c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.
- d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities

Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.05.140 AND 23.07.106 OF THE CZLUO.]

CHAPTER 13: AIR QUALITY

POLICY FOR AIR QUALITY

The following policy addresses the Coastal Act concern for air quality:

Policy 1: Air Quality

The county will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the county's Air Pollution Control District and the State Air Resources Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.06.080 OF THE CZLUO.]

